

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 17, 2007 at 7:00 P.M. PRESENT were: Councilpersons Barden, Folts, Hopkins and Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

Guests: Max Parson, Bill Pringle, Doug Paddock, Taylor Fitch.

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

RESOLUTION #25-07

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 13, 2006 meeting be approved as read.

RESOLUTION #26-07

AUDIT OF CLAIMS

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

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

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

General	\$15,132.81
Highway DA	\$ 75.30
Highway DB	\$14,600.71
Sewer	\$ 1,981.91
Water	\$ 380.83

RESOLUTION #27-07

SUPERVISOR'S REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of December 2006 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Highway Superintendent Payne provided a briefing on his written report of work done in the month of December. We have been able to do work typically done in the spring given our current weather conditions.

Following a meeting of the Highway Superintendents, a proposal will be forthcoming from Public Sector HR Consultants to update the Drug and Alcohol Testing Policy for the Yates County municipalities. The cost is estimated at \$450-500.

Councilperson Stewart was contacted by Earl Peck on behalf of the Branchport Cemetery to request the Highway Department install a new sluice pipe and gravel to accommodate the vault truck. This will be done when the weather breaks.

TOWN ENGINEER

- Supervisor Jones and Town Engineer Ackart met with the owners of K&L Cleaners and Seneca Farms businesses to discuss changing the number of sewer units they are being charged.
- A meeting will be held with Pulteney representatives on Monday as we prepare for their water project to start up.

SUPERVISOR

Supervisor Jones has been contacted by Yates County Highway to discuss the feasibility of using available federal funds to widen Lower West Lake Road, Penn Yan. Supervisor Jones and Town Engineer Ackart will discuss issues with County Highway Superintendent Hartman that include the Town sewer line running under the ditch and the Town's water line on the other side of the road.

COUNCIL

- Councilperson Barden reported the Keuka Lake Uniform Docking and Mooring Law has been enacted by all eight municipalities and filed with the Department of State. The Committee has scheduled a meeting for January 29 with the Code Enforcement Officers to present the law.
- Interviews were conducted with the top four consultants as a result of the Waterfront Revitalization Program Request for Proposals. Councilperson Barden stated the Committee will be making their decision pending reference checks.

WIND FARM SUBCOMMITTEE

Bill Pringle stated the Wind Farm Subcommittee will continue their work following the outcome of the January 15 public informational meeting. Councilperson Hopkins commended the Subcommittee for the work they have done and Councilperson Barden complimented them on their power point presentation.

SLOPES SUBCOMMITTEE

Councilperson Folts stated the Slopes Subcommittee requested clarification on their purpose from the Town Board. They were confused by the private road specifications submitted to the Planning Board and do not want to redo work already underway. The private road requirements apply when a private road serves two or

more lots. It was clarified roads built in accordance with the private road standards do not meet Jerusalem road standards and will not be considered as a road to be taken over by the Town. Any road taken over by the Town must be built in accordance with Jerusalem Code Chapter 93. Highway Specifications.

The Town Board's intent for the Slopes Subcommittee is to obtain a foundation of recommendations from the Subcommittee that will be used to develop Town regulations for protecting and controlling development on our slopes. These regulations would include erosion control measures along with building lot size recommendations based on slope percentage.

ZONING BOARD

Councilperson Folts reported Ron Rubin was elected Zoning Board Chairman and Glenn Herbert Vice Chairman at the January 11th meeting.

PLANNING BOARD

Councilperson Hopkins stated Bob Evans was elected Planning Board Chairman and Mary Coriale Vice Chairman at the January 4th meeting.

RESOLUTION #28-07

ADVERTISE FOR VACANT ZONING BOARD ALTERNATE POSITION

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

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

Whereas Alternate Jim Bird was appointed for a five-year term on the Zoning Board; and

Whereas the Town Board is desirous of additional candidates for consideration as a Zoning Board alternate; now, therefore, be it

Resolved that the Town Clerk be instructed to advertise for the vacant Zoning Board alternate position.

RESOLUTION #29-07

AWARD of BID - NEW/USED ROLLER

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

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

Whereas Highway Superintendent Payne reported bids were opened on January 2, 2007 for the purchase of a new/used roller provided for in this year's budget; and

Whereas all bid specifications were reviewed by Superintendent Payne and all bids met the specifications advertised; and

Whereas \$30,000 is available toward the purchase of said roller through the State of New York Legislative Initiative Grant; and

Whereas the following bids were received:

Admar	\$83,272 new 2007
	\$78,300 used 2006
SC Hansen	\$85,500 new 2007
	\$82,900 new 2006
Vantage	\$65,363 used 2006
Tracey	\$96,547 used 2005
Monroe Tractor	\$76,898 new 2007
Liftech	\$63,595 new 2006

;now, therefore, be it

Resolved that Liftech, Rochester, NY be awarded the contract for the purchase of one roller for their low bid of \$63,595.00.

NANCY BAILEY LETTER

Supervisor Jones has been corresponding with Nancy Bailey regarding complaints about her neighbors at 296-297 West Lake Road, Penn Yan and its use as a rental to College students. She has requested relief from this situation and asked that he bring this matter to the Town Board. After much discussion, Supervisor Jones was instructed to send another letter to Mrs. Bailey that the issues with her neighbor are not concerns that the Town of Jerusalem should be involved with, even though Board members did sympathize with her situation.

RESOLUTION #30-07

CONSIDERATION OF TOWN JUSTICE LEAVE OF ABSENCE

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

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

Whereas the Town Board has been notified by Town Justice Anne Killen of her pending leave of absence in March 2007; and

Whereas Justice Killen suggested several options to provide Town Court coverage during her absence that have been evaluated by the Town Attorney and through the Office of Court Administration; now, therefore, be it

Resolved that Justice Killen's formal leave request be approved when submitted; and, be it further

Resolved that her salary be reduced proportionately to the length of her leave request and Justice Davison's salary and his Court Clerk be increased accordingly as sole-acting Justice for the Town of Jerusalem; and, be it further

Resolved that the Justice Killen's Court Clerk be placed on the February 21st Town Board meeting agenda.

RESOLUTION #31-07

APPROVAL - CLOUGH HARBOUR MUNICIPAL CONSULTING AGREEMENT

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

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

Resolved that the Supervisor be authorized to execute the 2007 Clough Harbour & Associates standard municipal agreement to provide consulting engineering services to the Town of Jerusalem on an as-needed basis.

WATER RATE STUDY

Town Engineer Ackart provided information on a proposal we are awaiting from Bernard P. Donegan, Inc. to conduct a water rate study. Their formal proposal was not received for inclusion on tonight's meeting agenda. Three major changes to support the Town conducting this study are:

- The availability of sufficient data to do a meaningful rate study because of improved revenue collection by proper meter reading and billing.
- The reduction of "lost and unaccounted water" from over 40% in 2004 down to 7%.
- To determine the impact of the anticipated significant increase in wholesale water cost from Penn Yan this year.

Councilperson Folts questioned putting the water rate study out for bid. This service is not subject to competitive bidding under Town Code Chapter 43. The Town currently has a financial consulting services agreement in place with Bernard P. Donegan, Inc.

RESOLUTION #32-07

AUTHORIZE POST-EMPLOYMENT RESERVE

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

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

Whereas, the Employee Handbook will incorporate and clarify the 800 hour sick time benefit which exists in the 1991 version of the employee policy; and

Whereas, the Town has a financial obligation to its employees; and

Whereas, the Town needs to plan for such future obligations by opening a POST EMPLOYMENT RESERVE FUND; now, therefore, be it

RESOLVED that the Town opens a POST EMPLOYMENT RESERVE and the General, Highway DA, Highway DB, Sewer and Water funds will contribute to this reserve through the 2007 Budget (inter-fund transfer 9901.9). This fund needs to be monitored on a yearly basis. This is being done during the budget process.

RESOLUTION #33-07

CAP 800-HOUR SICK BANK

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

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

Whereas, the Employee Handbook will specify that the 800 sick hours is a cap and employees will not be allowed to accumulate past the 800 hours; and

Whereas, some employees have been carried past the 800 sick hour accumulation due to the existing 1991 version of the employee policy being extremely vague; now, therefore, be it

RESOLVED that employees who are past the 800 sick hours as of December 31, 2006 be capped at these hours. Should an employee who has to use sick hours out of their sick bank, which would result in a decline to less than 800 hours; this employee would then be capped at the 800 sick hours.

RESOLUTION #34-07

UNIFIED COURT SYSTEM TEMPORARY ASSIGNMENT OF JUDGES

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

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

Resolved that the Town of Jerusalem consent to the temporary assignment of its justices to preside in other town/village courts in the Seventh Judicial District as need arises during the year 2007 and approves the temporary assignment of judges from other town/village courts in the Seventh Judicial District to its court as need arises during the year 2007.

OTHER BUSINESS

- Supervisor Jones stated he is trying to schedule a meeting with Attorney Saracino to discuss the adult entertainment regulations. In response to an inquiry by Cindy Geertson, Supervisor Jones stated Attorney Saracino drafted the Town of Arcadia's adult entertainment regulations.
- Councilperson Hopkins requested the Town Board members submit 3-4 goals for 2007 following the adoption of our Comprehensive Plan. This will enable us to prioritize matters for the Boards and stay focused on them throughout the year. Councilperson Barden added that this will tie in with the Summary of Key Strategies and Actions flow chart included in the Comprehensive Plan.
- Max Parson inquired about the status of the 2002 Addendum to Sewage Disposal Agreement with the Village of Penn Yan that was entered into based upon the creation of Sewer #2. Supervisor Jones stated The Town has retained Attorney David Saracino and financial services from the firm of Bernard P. Donegan, Inc. It is the Town's position that the 40-year term of the Addendum is subject to a five-year statutory limitation on the duration of inter-municipal agreements, i.e., 2002-2007, enacted by legislation in 1996. Formal notification of the Town's intent to let the 2002 Addendum lapse will be made to the Village by Attorney Saracino.

RESOLUTION #35-07

MOVE TO EXECUTIVE SESSION

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

ADOPTD	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the Board move into an Executive Session at 8:35 P.M. to discuss pending litigation.

RESOLUTION #36-07

REETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session at 9:35 P.M.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Hopkins, the meeting was adjourned at 9:37 P.M. Carried unanimously.

Jerusalem Town Board
January 17, 2007

Sheila McMichael, Town Clerk