

Minutes of the regular monthly meeting of the Jerusalem Town Board held on October 20, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Highway Superintendent Payne, Town Clerk McMichael, Town Attorney Bailey.

GUESTS: Mike & Kathy Morton, John & Ann Hicks, Stacey Grabski, John Grabski, Mark Morehouse, Carol Fitzgibbons, Marv Pallischeck, Art Carcone, Jim Fitzgibbons, Gary & Janet Molyneaux, Bill Pringle, Colleen Brackett, Basil Brackett, Michael Wilcox and several other unidentified guests.

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

RESOLUTION #154-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 15, 2010 regular meeting be approved as read.

RESOLUTION #155-10

APPROVAL OF NOTES

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

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

Resolved that the notes of the September 23, 2010 budget workshop be approved as read.

RESOLUTION #156-10

APPROVAL OF NOTES

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

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

Resolved that the notes of the September 28, 2010 budget workshop be approved as read.

RESOLUTION #157-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 12, 2010 special meeting held in conjunction with the Keuka Park Sewer Water Committee meeting be approved as read.

RESOLUTION #158-10
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 12, 2010 special meeting be approved as read.

RESOLUTION #159-10
AUDIT OF CLAIMS

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

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

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

General:	\$10,670.13
Highway DA:	\$ 6,761.79
Highway DB:	\$15,307.73
Sewer:	\$ 4,655.54
Water:	\$44,691.30
Branchport Light:	\$ 317.59
Trust:	\$ 9,957.37
September utilities: General:	\$ 2,323.21
Sewer:	\$33,722.16
Water:	\$37,031.95
Trust:	\$48,410.28

RESOLUTION #160-10
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of September 2010 be accepted as presented.

RESOLUTION #161-10

OPEN PUBLIC HEARING - 2011 TOWN, WATER & SEWER BUDGETS

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

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

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:05 P.M., asking for comments on the tentative 2011 Town, Water & Sewer Budgets.

Budget Officer Muscarella stated the 2011 Budget includes a 0.0% increase in the Town Tax and keeps the Keuka Park Sewer & Water rates at the current 2010 levels.

2011 Preliminary Budget highlights include:

1. Salary increases:
 - \$.54/hour for all Highway employees
 - 4.0 % for contracted union employees (2)
 - 3.3% for all other full-time and part-time employees
 - 3.3% for Town Board Members. Board Members salaries also doubled
 - 3.3% for Supervisor. Supervisor salary also increased by the same amount of Board member increase.
2. Medical Insurance premium increase of 12.5%. Dental Insurance premium increase of 8.0%
3. Board Members health & dental insurance restricted to single coverage only.
4. Board Members salaries and benefits allocated 25% to KPSW (approx. \$19,200)
5. Planning Grant appropriation of \$10,000 (General Fund B a/c 8020.4)
6. Zoning Fees income reduced by \$14,000: permit reduction (General Fund B a/c 2555)
7. Per Capita Income reduced \$16,500: non-revaluation year (General Fund a/c 3001)
8. Total Post Retirement Reserve appropriation reduced by \$10,350.
9. Highway DA budget (a/c 5130.2) includes \$185,000 for the purchase of a loader and truck.
10. Highway equipment/supplies purchases from the DA Fund for 2011 and then out of DB Fund in future years.
11. Justice Medical & Dental plans: to keep existing 2010 plan/coverage with estimated premium increases of 23%.
12. Sewer Reserves for a) Grinder Pump, b) Sewer Main, c) Sewer Routine Repairs funded to Board approved caps.
13. Added \$2,000 for Clean-Up Day expenses (General Fund a/c 8160.4)

Budget Officer Muscarella stated three remaining changes to the preliminary budget are:

1. New York State Retirement \$28,000 increase from \$77,566 in 2010 to \$106,410 in 2011.
2. Per notification from NYS Comptroller's Office: Appropriations & Revenue for Planning & Zoning should be included in General Fund B rather than General Fund A.
3. The Assessor's salary due to the pending retirement of Town Assessor Comstock. Given the uncertainty of his retirement at this point, it was decided to leave the salary as stated. The Assessor's Committee continues to address this situation.

RESOLUTION #162-10

AUTHORIZE USE OF FUND BALANCE FOR 2011 NYS RETIREMENT

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

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

Whereas the Town received correspondence from the New York State Retirement System that indicates that retirement will increase from \$77,566 in 2010 to \$106,410 in 2011 due to poor market performance; and

Whereas the Town has maintained healthy fund balances based on our auditor's guideline not to go below 25% of the appropriations; and

Whereas Budget Officer Muscarella recommends the monies be taken from fund balance; now, therefore, be it

Resolved that the additional \$28,000 due to the New York State Retirement fund be taken from fund balance as recommended by the Budget Officer.

The Budget public hearing was left open.

PRESENTATION - JOHN GRABSKI - PROPOSED WIND FARM REGULATIONS

On behalf of several concerned residents, John Grabski presented materials to the Town Board for their consideration regarding the Town's proposed wind farm regulations. In summary, the following five changes were suggested:

1. Noise
2. Set backs
3. Shadow flicker
4. Height
5. Property Value Guaranty

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Mr. Grabski addressed the Town Board on the impact that wind turbines have on residential property value. An economic impact analysis of the 346 properties in and around the proposed wind zone was provided (attached). He urged the Town Board to consider inserting the appropriate Property Value Bond Protection language to mitigate the risk into the proposed wind farm regulations to protect our town and our citizens. Mr. Grabski will share the suggested Property Value Guarantee Agreement language with the Board. Mr. Grabski asked that the Town Board keep him apprised of the next step regarding enacting wind farm regulations.

SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Director and Brenda Austin, Recreation Leader presented an overview of the 2010 summer recreation program.

94 participants enrolled in the 2010 program, with 45-55 attending daily. Activities included arts, crafts, sports, swimming lessons and field trips. Criteria for field trip participation will be looked at as a result of an incident with this year's trip to Sea Breeze Amusement Park. A donation was made that allowed the children to attend a movie. The reading program was initiated again at the request of the School Administration. Visitors to the program included School Administration, Canine Unit, Branchport/Keuka Park Fire Department, and Tornado Tees. Written evaluations on the Program were shared with the Board.

The Recreation Program lap top needs to be repaired, at which time the required Program reports will be submitted to Mrs. Yonge, Yates County Workforce Development/Youth Bureau Director.

The Board commended the staff for another successful program.

RESOLUTION #163-10

CLOSE PUBLIC HEARING - 2011 TOWN, WATER & SEWER BUDGETS

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

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

Resolved that the Public Hearing on the 2011 Town, Water and Sewer Budgets be closed at 8:10 P.M. and that the Board return to the Regular Town Board meeting.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written report on file in the Office of the Town Clerk.

- Highway Superintendent Payne stated that there were rumors again at the last Superintendent's meeting that the State may eliminate the CHIPS funding.
- Salt and sand is in as we prepare for winter.
- The Highway Department will begin cleaning culvert ends on the bluff in November.
- Highway Superintendent Payne will work with Yates County Personnel Director Gibson to fill a temporary Highway position given the extended leave of a HEO.

RESOLUTION #164-10

GRANT UNPAID LEAVE OF ABSENCE - Santiago Avellaneda

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

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

RESOLVED, that Santiago Avellaneda, a HEO in the Highway Department is hereby granted an unpaid leave of absence from November 4, 2010 through December 31, 2010, and be it further

RESOLVED, that a copy of this resolution be given to Mr. Avellaneda, Highway Superintendent, Town Clerk and Yates County Personnel Officer.

TOWN ENGINEER

- Minutes of the October 12 were approved earlier in the meeting.
- In response to a question, Town Engineer Ackart stated the Town will conduct one more test related to the reported sewage leak on West Lake Road, Penn Yan.

COUNCIL

- Yates County Legislator Doug Paddock was asked to report on the County's Worker's Compensation program at the November 20th meeting.
- As a result of the Bluff Point Association's concerns regarding signs last month, Planning Board member Art Carcone will chair a Signage Subcommittee to address their concerns. He will work with the Code Enforcement Officer and review Town Code Chapter 160-14 Signs.

SUPERVISOR

- Supervisor Jones received additional information from the Town Justice that allowed him to complete the annual accounting of the Town Justice's books.
- We received notice from the County Veteran's office that Applebee's will offer a free meal to our veterans and active duty military on Veterans Day, November 11th. There is also a

Memorial Garden dedication being held at Soldiers & Sailors Hospital on the 11th.

SUBCOMMITTEE REPORT
ZONING/54A SUBCOMMITTEE

Subcommittee Chair Mary Coriale will present the Subcommittee's recommended uses to the Planning Board at their November meeting. The next step will be to develop the necessary zoning regulations.

Designating Kinney's Corner as a hamlet has been tabled awaiting the response to the Branchport Hamlet Master Plan grant submitted earlier this year.

Councilperson Stewart will ask the Subcommittee to look at the Branchport School zoning as agreed to by the Town under the Finger Lakes Museum Memorandum of Understanding.

YATES COUNTY MARCELLUS SHALE TASK FORCE

Peter Gamba, Town of Jerusalem Member of the Yates County Marcellus Shale Task Force was not able to attend tonight's meeting, but had encouraged the Town to adopt the Road Preservation Use and Repair Agreement adopted as policy by the Yates County Legislature at the September 15th Town Board meeting. County Legislator Doug Paddock will report the number of Towns that have signed and clarify the applicable haulers.

The Driveway Installation & Replacement Permit and the proposed Road Preservation and Repair Law Certain Industrial and Commercial Activities (such as drilling) local law will be placed on the November 20th Town Board Meeting Agenda.

RESOLUTION #165-10

ADOPT - ROAD PRESERVATION USE AND REPAIR AGREEMENT

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

DEFEATED	Ayes	2	Jones, Stewart
	Nays	3	Folts, Parson, Simmons

Whereas the Yates County Legislature adopted the Road Preservation Use and Repair Agreement as policy on June 14, 2010; and

Whereas on September 15, 2010, Peter Gamba, Town of Jerusalem Member of the Yates County Marcellus Shale Task Force encouraged the Town to adopt said Agreement as a protection mechanism for local infrastructure by putting the financial burden of maintenance and repair on the operator and user of the road vs. the municipality; now, therefore, be it

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Resolved the Road Preservation Use and Repair Agreement be adopted as presented.

ASSESSMENT COMMITTEE

The Assessment Committee continues to gather information on options for the Assessor position.

RESOLUTION #166-10

APPROVAL - KEUKA PARK SEWER & WATER RELEVIES

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

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

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

Whereas, the Town Water/Sewer office has compiled a listing of the preliminary 2010 water and sewer delinquent accounts in the following amounts:

Water	\$23,881.04
Sewer	\$17,356.19
Relevy Fee	\$ 4,050.00

; now, therefore, be it

Resolved, that the Jerusalem Town Board does hereby approve the transfer of these delinquent accounts to the County for relevy on their 2011 tax bills.

2011 BUDGET DISCUSSIONS

There was a brief discussion on the time frame related to adopting the budget and selecting health insurance plan. Rates are not released until November. No report has been made on the dental request for proposals.

RESOLUTION #167-10

ADOPT 2011 TOWN, WATER & SEWER BUDGETS

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

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

Resolve the 2011 Town, Water and Sewer budgets be adopted as presented.

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With there being no further business, on a motion of Councilperson Folts, seconded by Councilperson Stewart, the meeting was adjourned at 9:14 P.M.

Sheila McMichael, Town Clerk