

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 21, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Town Engineer Ackart, Town Clerk McMichael.

Others present: Annette Toaspern, Linda Davis, William Pringle, Peter Gamba, Bob Evans, Taylor Fitch, John Grabski, Stacey Grabski, Bonnie Curbeau, Jim Fitzgibbons, Vaughn Baker, Brian Zerges, John Hicks, Tom Close, Richard Curbeau, Dick & Gale Galusha, Roger Bailey, Linda Bailey, Doug Paddock.

Excused: Highway Superintendent Payne.

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

RESOLUTION #122-10  
APPROVAL OF MINUTES

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 minutes of the June 16, 2010 regular meeting be approved as read.

RESOLUTION #123-10  
APPROVAL OF MEETING NOTES

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

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

Resolved that the notes of the June 29, 2010 **Community Development Block** Grant public hearing be approved as read.

RESOLUTION #124-10  
APPROVAL OF MINUTES

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

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

Whereas Councilperson Simmons stated he attended July 6, 2010 meeting, but was listed as excused, now, therefore, be it

Resolved that the minutes of the July 6, 2010 special meeting be approved as amended.

RESOLUTION #125-10

AUDIT OF CLAIMS

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 bills be paid as presented in the following amounts:

General:		\$ 11,416.52
General Outside Village		\$ 6,000.00
Highway DA:		\$ 3,045.37
Highway DB:		\$117,655.66
Sewer:		\$ 5,929.35
Water:		\$242,645.78
June utilities:	General:	\$ 1,988.39
	Sewer:	\$ 30.294.98
	Water:	\$ 40,015.08
	Trust:	\$ 52,895.47

\$11,600 from General payable to Raymond F. Wager, CPA was held pending receipt of an itemized bill. Supervisor Jones will follow up on this, but noted this was the amount of their Engagement Letter to conduct the audit as authorized in 2009.

RESOLUTION #126-10

SUPERVISOR REPORT

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

PRESENTATION – MASTER GARDNER'S – HOGWEED

Master Gardeners Annette Toaspern and Linda Davis made a presentation on giant hogweed due to numerous calls received on its presence in our area. Hogweed is an attractive, but dangerous noxious weed that causes severe skin irritation in susceptible people. Similar plants commonly mistaken for giant hogweed include cow parsnip, angelica and poison hemlock. Physical characteristics of area hogweed include: 5' tall, palm-size 3-lobed leaves and thumb-thick blotchy stems with "old lady-like chin hairs" and a node.

The Master Gardeners are working with DEC and also keeping Highway Superintendent Payne informed on the hogweed situation. Master

Gardeners of Yates County may be reached at 315-536-5123 and the Giant Hogweed Hotline at 1-845-256-3111.

ROAD ORDINANCE PRESENTATION – PETER GAMBA

Peter Gamba presented the following report regarding Town of Jerusalem Local Laws for Industrial Road Use:

In the process of reviewing the road use agreement created by the Marcellus Shale Committee of Yates County the notion AGREEMENT places the town and county in a challenging position from an enforcement and financial standpoint.

It is recommended that the Town of Jerusalem modify the current road use document by creating road use laws as can be done under the "New York State" "home rule" law.

This places any violation of the road use laws in the jurisdiction of the town and the laws can be enforced by the local policing authorities with fines and legal consequences. The current "Road Use" AGREEMENT is just a contract that can be debated in court at great legal expense to the town without enforcement that protects the roads.

In addition, each AGREEMENT can be made different for each industrial contractor making it difficult to enforce and difficult to evaluate the road protection results. A law applies to all with no exceptions.

I propose to the town board the following:

"The Town of Jerusalem hereby decides to enact local laws to protect the town and its citizens against destruction of roads from Marcellus Shale and other industrial uses of the roads by enacting industrial road use laws. These laws will be enforced by local law enforcement services".

The current road documents can be built on and modified to meet the above goals.

Peter Gamba – Town of Jerusalem Member of the Yates County Marcellus Shale Task Force

RESIDENT CONCERN – BONNIE CURBEAU

Bonnie Curbeau presented concerns related to the high concentration of fecal coliform in the vicinity of her property located at 199 West Lake Road and asked that the Board make this situation a high priority. The Town has begun their investigation to identify the source of this contamination.

TOWN OFFICIALS

HIGHWAY

- July 2010 Highway Budget Report distributed to Town Board.

TOWN ENGINEER

- Town Engineer Ackart reported the new 4" clay valve has been installed at the State Park SV1 to address operational and access problems.
- Maintenance problems with the PRV2 (pressure reducing valve) from the upper tank at the State Park was corrected without replacing the singer valve. The switch has also been fixed.
- Ackart will be introduced to the facilities committee for the Finger Lakes Museum by committee member Art Adams.
- Approval for KPSW to purchase a utility trailer that will be presented at the August Town Board meeting.

COUNCIL

- Councilperson Simmons thanked the Jerusalem Republican Committee for donating \$450 to the Summer Recreation Program.
- Numerous calls and letters have been sent regarding the changing addresses. A lot of confusion was created when the Board of Elections notified residents of their new address before the Town sent out the official letters.
- The Assessor is no longer certifying flood elevations for residents. This must be done by a licensed surveyor, licensed engineer or architect.
- Mr. DeGeorge offered to purchase 70 sets of flags to be placed in the Branchport hamlet to beautify our community. The Town Board will take his generous offer into consideration.
- Councilperson Stewart was authorized to obtain quotes to purchase a sign board to be erected outside the Town Hall.
- The cost of Clean-Up Day will be presented after the bills for all related expenses have been received.

RESOLUTION #127-10

AMEND RESOLUTION #111-10 CONTRACTOR'S INSURANCE COVERAGE

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 Code Enforcement Officer reported the following excerpt from Resolution #111-10 Contractor's Insurance Coverage violates New York State law:

4. In lieu of a policy from a NYS licensed insurance company, the Town will consider a letter from the Church of Lancaster, Pennsylvania certifying to their providing the same amount of coverage for the Mennonite contractors as acceptable proof of coverage.

; and

Whereas following further investigation, Mennonite contractors do carry required insurances; now, therefore, be it

Resolved that Resolution #111-10 be amended by deleting Section 4.

#### SUPERVISOR

- Supervisor Jones stated we are in receipt of the water budget from the Village of Penn Yan. This will be reviewed to determine if a water rate increase will be necessary.
- Supervisor Jones appointed Lawrence Muscarella, who resides at 464 East Bluff Drive as Budget Officer as the prior appointee, Susan Close withdrew from the position.

#### SUBCOMMITTEE REPORTS

##### AGRICULTURAL RESIDENTIAL (AGR) ZONING SUBCOMMITTEE

The Agricultural-Residential Zoning Subcommittee continues to review zoning, focusing on the 54A corridor. Don Naetzker, Project Manager for the Finger Lakes Cultural Museum attended the June meeting.

##### ADDRESSING SUBCOMMITTEE

Brian Zerges requested the Town Board reconsider the naming of Aumick Road where he currently owns five of the six properties located on that road. It is his understanding the road was named after the family that previously resided there. Councilperson Stewart will follow up on Mr. Zerges' request.

##### PROPERTY MAINTENANCE SUBCOMMITTEE

Draft regulations on Vegetation were received from Attorney Bailey.

##### COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The New York State Community Development Block grant application was submitted July 19, 2010 for funding available under the Community Planning Program to develop a Master Plan for the Hamlet of Branchport.

##### RESOLUTION #128-10

##### STANDARD WORK DAY AND REPORTING RESOLUTION

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

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

Be it resolved, that the Town of Jerusalem hereby establishes the following as standard work days for Town Justice and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities

maintained and submitted by these officials to the Clerk of this body:

Title	Name	Reg. #	Term
Town Justice	Matt Davison	XXXX	1/1/2010-12/31/2013

Participates in Employer Time Keeping System	Days/Month based on Record of Activities
No	N/A

The Town Clerk is hereby directed to post this resolution on the Town of Jerusalem website for a minimum of 30 days; to file a certified copy of this resolution and affidavit of posting with the Office of the State Comptroller within 45 days of adoption; to retain records of work activities for ten (10) years; and to provide complete copies of the NYS Comptroller upon request.

RESOLUTION #129-10

YATES COUNTY PLANNING BOARD AGREEMENT

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

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

Whereas the Yates County Planning Board presented an agreement that certain proposed land use actions are of local, rather than inter-community or County-wide concern, and therefore not subject to referral to the Yates County Planning Board as would otherwise be required by Section 239-m and n; and

Whereas the Yates County Planning Board approved said agreement at their June 24, 2010 meeting; now, therefore, be it

Resolved the Supervisor be authorized to execute the Agreement between the Yates County Planning Board and the Town of Jerusalem exempting certain minor land use actions from Yates County Planning Board Review.

RESOLUTION #130-10

KWIC MODEL LOCAL WASTEWATER TREATMENT LAW

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

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

Resolved the KWIC Model Local Wastewater Treatment Law dated 06/28/10 be approved as presented.

VIOLATION NOTICE BUILDING AND PREMISES, UNSAFE

A notice that the building is in violation of Chapter 67, Buildings and Premises, Unsafe has been issued for 2958 Route 54A, Bluff Point. This will be placed on the August Town Board meeting agenda.

RESOLUTION #131-10

HEALTH INSURANCE

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

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

Whereas the cost of health insurance for the Town of Jerusalem employees continues to escalate; and

Whereas there are options for health insurance for Town of Jerusalem employees; now, therefore be it

Resolved that Bookkeeper Jennifer McKay contact the following insurance carriers and request they send a representative to the first Town of Jerusalem Public Budget Workshop as soon as that date is set;

Bene-care  
Brown & Brown Insurance  
Sprague Insurance

;and, be it further

Resolved Bookkeeper McKay contact these representatives as soon as possible and give all pertinent information as to present policy so they can present competitive options.

RESOLUTION #132-10

APPOINT PLANNING BOARD MEMBER - ATTILIO CARCONE

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

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

Whereas the Jerusalem Town Planning Board has a vacancy; and

Whereas Attilio Carcone has submitted an application for the position; and

Whereas Mr. Carcone's application has been reviewed and accepted; now, therefore, be it

Resolved Mr. Carcone be appointed to the vacant position on the

Jerusalem Town Board  
July 21, 2010

Jerusalem Planning Board immediately; and, be it further

Resolved the Town Clerk notify Mr. Carcone as soon as possible of his appointment to the Planning Board to fill the unexpired term through December 31, 2011.

With there being no further business, on a motion of Councilperson Simmons, seconded by Councilperson Stewart, the meeting was adjourned at 9:25 P.M.

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Sheila McMichael, Town Clerk