

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 18, 2015 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

EXCUSED: Councilor Dinehart.

GUESTS: Jim Crevelling, Tim Cutler, Bob Evans, Marcia & David English, John Christensen; *Chronicle Express* Reporter, Doug Paddock, Mary Lilyea, Dave Geertson.

Supervisor Killen called the meeting to order with the Pledge to the Flag at 7:02 P.M.

CHANGES TO THE AGENDA:

Councilor Jones requested an Executive Session to discuss an employment matter.

RESOLUTION #51-15

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 18, 2015 meeting be approved as read.

RESOLUTION #52-15

AUDIT OF CLAIMS

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

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

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

General:	\$13,440.02
Outside Village	\$ 122.74
Highway DB:	\$25,331.35
Sewer:	\$37,158.88
Water:	\$59,664.71
Branchport Light	\$ 238.73

February Utilities:

General:	\$ 889.43
Outside Village:	\$ 64.68
Sewer:	\$42,102.53
Water:	\$ 317.70

Trust: \$30,956.23

RESOLUTION #53-15

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of February 2015 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 cost to repair our grader is estimated at \$10,000.
- Resident Peter Gamba sent a letter thanking the Highway Department for a great job clearing snow to keep our roads passable this winter.
- Financing is in order to erect the salt storage building. Site prep needs to be done as we anticipate construction by the end of May.

TOWN ENGINEER

- Notes of the March 10, 2015 KPSW meeting on file in the Office of the Town Clerk.
- Aqualogics is onsite installing the new telemetry that will integrate the State Park system into the Keuka Park System.
- The THM sampling coordinated with Pulteney resulted in excellent results. Supervisor Killen read a letter from Bill Webber thanking Carrie Wheeler, Ray Stewart and Gary Dinehart for their assistance.
- Larson Design Group will be finalizing the Sewer Study for presentation to the Town Board.
- KPSW is developing capital project planning schedules.
- Town Engineer Ackart received the Keuka College Master Plan and will be meeting with Code Enforcement Officer Phillips on March 25<sup>th</sup> to discuss the College Athletic field drainage.

COUNCIL

Clean-Up Day will be June 6<sup>th</sup> from 8:30-2:00.

SUPERVISOR

- Supervisor Killen negotiated a price reduction with Ferrellgas for propane at the Town Hall.

- Phone systems are being reviewed.

SUBCOMMITTEE REPORTS:

BRANCHPORT HAMLET SUBCOMMITTEE:

The "Welcome to Branchport" sign was displayed at the Branchport Winter Fest.

AGR ZONING REVIEW SUBCOMMITTEE:

Discussion ensued on agricultural-residential use district (AGR) zoning amendments originally proposed for lot size and lot coverage. The recently proposed Keuka College athletic field project requires further changes to the AGR zoning, along with the café request from Hunt County Winery. Supervisor Killen requested both the Planning and Zoning Board provide a recommendation on the zoning changes following their April meetings.

RESOLUTION #54-15

ESTABLISH LANG OPEN DEVELOPMENT AREA #1-15

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

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

WHEREAS, Richard Morlok and Debra Morlok have applied to the Town of Jerusalem for the establishment of an "Open Development Area" within the meaning of Section 280-a of the Town Law so as to allow construction of structures on lots within said area that do not directly abut a public highway, and

WHEREAS, Section 280-a of the Town Law authorizes the Town to establish an Open Development Area on such rules as the Town deems reasonably required to insure access by emergency vehicles to lots served by a private road, and

WHEREAS, the applicants have filed with the town a survey map prepared by Richard Willson, Land Surveyor dated March 13, 2013 showing provision for access to Parcels A and B by right-of-way fifty feet in width; and

WHEREAS, the Town Planning Board has approved the application by resolution dated December 5, 2013 (copy on file with the clerk);

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem, in regular session duly convened, as follows:

1. Open Development Area Number 1 of the Town of Jerusalem be and the same hereby is established comprising the 5.117 acres of land shown as Parcel A (3.783 acres) and Parcel B (1.389 acres) together

with the Right of Way in Common, 50 feet wide, along the north line of parcel A and turning southerly to Parcel B on the aforesaid map on file with the town, subject to the following conditions, which must be satisfied prior to the issuance of a building permit for any structure on a lot in such area, to include structures for which permits have not now been applied.

- A. Private road construction standards (Town Code 93-26) shall be complied with.
- B. The Code Enforcement Officer (CEO) shall determine whether the following items apply and if they apply shall certify that they have been satisfied:
  - (1) Issuance of New York State storm water permit.
  - (2) Certification from the certified professional in charge of the project upon completion that the road has been constructed in accordance with Town Code 93-26.
  - (3) That the overall grade of the private road shall not exceed 15 percent unless the provisions of Town Code Chapter 137 relating to Steep Slopes have been complied with.
- C. No more than one additional residence may be built on Parcel A (3.783 acres) without the further approval of this Town Board as to compliance with Section 280-a.

2. The CEO shall inspect the road and verify to the Town Board that all conditions of the Planning Board approval and this Resolution have been met.

3. The Clerk is ordered to continue this matter on the monthly agenda of this Board until the CEO's verification has been received.

4. This Resolution shall take effect immediately.

#### RE-VAL DATA COLLECTION

Assessor Vernon Brand was present to answer questions for the Board related to data collection in preparation for a revaluation of the Town (handouts attached). Property inventory cards were displayed depicting existing and desired data format. Assessor Brand stated inventory was input for the 2004 reval into the old system and only land values were changed for the 2008 reval. Therefore the basic foundation needed for a reval has not been set here.

Mary Lilyea, Assessor for Benton, Torrey and Potter, shared files she inherited upon assuming her position in Benton that were used to establish Benton's inventory. She spoke to her experience data collecting for Potter, stressing the importance of getting it done

correctly. Data collection must be done by certified personnel. The time needed varies by parcel. Completing ten residential parcels per day would be ideal, whereas one farm parcel can take up to 2 hours.

RESOLUTION #55-15

2015 BUDGET AMENDMENT - MODIFICATION OF SEWAGE DISPOSAL AGREEMENT

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

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

Whereas, on January 30, 2007, the Town of Jerusalem notified the Village of Penn Yan that the 2002 Addendum to Sewage Disposal Agreement entered into in February of 2002 would lapse by operation of law, thereby terminating all payment to the Village pursuant to the Addendum; and

Whereas, the Town Board did not renew the Intermunicipal Agreement with the Village of Penn Yan pertaining to Sewer District Extension #2 which expired on February 12, 2007 (Resolution #59-07); and

Whereas the February 26, 2010 Supreme Court Order regarding litigation entitled *Village of Penn Yan v. Town of Jerusalem*, (Yates County Index No. 2008-00331) did not direct the Town to pay back monies withheld in the amount of \$42,000; and

Whereas, Resolution #62-13 authorized the Town of Jerusalem to file and serve a Notice of Claim with the Village of Penn Yan, including an injunction to cease development projects within the Village that could result in capacity issues of the Sewage Treatment Facility; and

Whereas, the Town of Jerusalem set forth a negotiating committee to meet with the Village of Penn Yan to achieve settlement of the ongoing issues at hand; and

Whereas, Resolution #39-15 authorized the Supervisor to sign the Modification of Sewage Disposal Agreement Between the Village of Penn Yan and Town of Jerusalem dated February 6, 2015 which set forth a term requiring Jerusalem to pay Penn Yan the sum of \$42,000.00 representing the settlement of all prior claims by Penn Yan against Jerusalem with respect to the "Sewage Disposal Agreement" and the "Addendum To Sewage Disposal Agreement", resulting in an unbudgeted expense within the 2015 Keuka Park Sewer budget;

Now therefore be it RESOLVED that the \$42,000 be budgeted to the 8320.4 (Source Supply Power/Pumping) taken from the unappropriated fund balance.

RESOLUTION #56-15

2015 BUDGET AMENDMENT - UNPAID SICK LEAVE - KPSW RETIREE PAUL ENOS

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

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

Whereas Paul Enos retired on February 14, 2015 from the Keuka Park Water and Sewer departments; and

Whereas he is entitled to the sick payout benefit per the Teamsters Union contract; and

Whereas monies are established within the Post Employment Reserve to encompass such payout;

Now be it RESOLVED that the Keuka Park Water budget for 2015 be amended, to recognize the funds transferred out of the Post Employment Reserve, as follows:

Increase 2770	\$9,740.04
Increase 8340.1	\$8,994.93
Increase 9030.8	\$ 745.11

Also be it RESOLVED that the Keuka Park Sewer budget for 2015 be amended as follows

Increase 2770	\$4,174.30
Increase 8120.1	\$3,854.97
Increase 9030.8	\$ 319.33

RESOLUTION #57-15

2015 BUDGET MODIFICATION - HIGHWAY GRADALL PAYMENT - \$56,422.32

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

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

Whereas 2015 budget worksheets submitted by the Highway Superintendent included the annual Gradall payment in the amount of \$56,422.32; and

Whereas said payment was noted in the 2015 Budget margin notes, but omitted in 5130.4 Highway DB figure; now, therefore, be it

Resolved the following modification be made as ordered by the Budget Officer:

Increase 5130.4 DB Highway	\$56,422.32
Decrease 9901.9 Highway Machine Reserve Fund	\$56,422.32

RESOLUTION #58-15

RESOLUTION - Approve Supervisor signing 5 year indemnification agreement with YC Highway for vehicle or equipment usage

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

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

Whereas Town of Jerusalem occasionally needs equipment which it does not own;

Whereas renting equipment or hiring subcontractors creates additional expense for the town;

Whereas Yates County Highway has a great variety of vehicles and equipment which it may be willing to loan to Town of Jerusalem periodically;

Whereas Town of Jerusalem agrees to be responsible for the safe handling and use of the vehicles or equipment to protect Yates County Highway from expense for repair of damage to said vehicles or equipment other than normal wear and tear;

Whereas Town of Jerusalem has previously signed an indemnification agreement with Yates County Highway covering damage to borrowed vehicles or equipment which expires May 31<sup>st</sup>, 2015;

Whereas Yates County Highway has requested that Town of Jerusalem sign an indemnification agreement renewal for a new five year term;

Therefore be it resolved that we direct Town of Jerusalem Supervisor to sign the indemnification agreement with Yates County highway

RESOLUTION #59-15

Authorizing Town Supervisor & Highway Superintendent to attend NYS Association of Towns Finance School

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

ADOPTED        Ayes        4        Jones, Killen, Parson, Steppe

Nays 0

Whereas one of the primary duties of Town Supervisor is preparing and monitoring the Town budget;

Whereas the Town Highway Superintendent duties require preparation and monitoring of Highway Department budget;

Whereas NYS Association of Towns is offering the 15<sup>th</sup> Annual Town Finance School on May 14-15, 2014 at DoubleTree in Rochester New York;

Whereas the registration fee for NYS Association of Town Members is \$200 per person for the training, breakfast, lunch break and materials;

Whereas funds are available and could be deducted from the General A 1220.4 to pay the Supervisor training cost, and funds available in General 5010.4 for the Highway Superintendent,

Therefore be it resolved that the Town Supervisor and Town Highway Superintendent be authorized to attend NYS Association of Towns Finance School on May 14-15, 2015 in Rochester, New York.

REPURPOSE 2007 KPSW TRUCK FOR ASSESSOR:

Supervisor Killen will present a resolution to repurpose the 2007 Sewer & Water Ford F-150 pick-up truck for the Assessor at the April meeting.

NYMIR INSURANCE RENEWAL

John Kuehn, Sprague Insurance presented an overview of the NYMIR Insurance Proposal. The 2015-2016 annualized insurance premiums will increase 1.2% to \$37,511.18, primarily due to the value of the buildings and contents being increased 4%.

RESOLUTION #60-15

AUTHORIZE NYMIR INSURANCE PAYMENT

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

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

Resolved payment for the 2015-2016 NYMIR annualized insurance premiums be authorized in the amount of \$37,511.18.



PUBLIC COMMENT:

Marcia English as Director of the Bluff Point Association, presented concerns related to:

1. Leaf removal: The Town does not own property where we could obtain DEC permitting to allow the disposal of leaves and brush. It was suggested the Town establish a system where residents purchase bags from the Town that would be tagged for pick-up two times annually. Local landscaping companies may have a means to dispose of these items. DEC also regulates leaf burning. The Town Board will discuss this further.
2. Changing seasonal roads Culver Hill and Brown Hill due to the increasing number of year-round homes. Highway Superintendent Martin clarified that the road around the end of the Bluff is open year-round. Issues related to speeding cars need to be reported to the Yates County Sheriff's Department.
3. A delinquent house that needs to be addressed on East Bluff Drive will be checked on by Highway Superintendent Martin and Code Enforcement Officer Phillips.

Dave Geertson requested the Town reimburse him for fence damages due to snow removal. Highway Superintendent Martin and Councilor Parson will meet with Mr. Geertson to assess the alleged damaged.

The following information was provided by Councilor Jones:

RESOLUTION #61-15

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss an employment matter.

The Executive Session convened at 9:26 P.M. Deputy Supervisor Stewart was invited to remain.

RESOLUTION #62-15

RETURN TO REGULAR SESSION

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

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

Jerusalem Town Board  
March 18, 2015

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:27 P.M.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Jones, the meeting was adjourned at 10:38.

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Sheila McMichael, Town Clerk