

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 16, 2015 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tim Cutler, Larry Muscarella, John Christensen; *Chronicle Express* Reporter, Bev Eggleston.

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

A moment of silence was taken in honor of Grievance Board member Mark Smith who recently passed.

CHANGES TO THE AGENDA:

The following additions were made to the agenda:

Council: Advertise Data Collector position
Supervisor: FLEDC Keuka Commons public hearing
New Business: Resolution to deposit checks by scanning

RESOLUTION #115-15

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the minutes of the August 19, 2015 meeting be approved as read.

RESOLUTION #116-15

AUDIT OF CLAIMS

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

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

General:	\$ 7,138.91
Outside Village	\$ 450.80
Highway DB:	\$79,121.06
Sewer:	\$ 5,268.12
Water:	\$ 2,994.39
Trust:	\$ 2,300.00

August Utilities:

General:	\$ 2,218.34
Outside Village:	\$ 272.35

Highway DB:	\$ 4,069.29
Sewer:	\$ 483.33
Water:	\$ 903.84
Trust:	\$26,105.91

RESOLUTION #117-15
SUPERVISOR REPORT

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of August 2015 be accepted as presented.

SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Director presented an overview of the 2015 summer program. 91 campers enrolled. Camper Violet displayed photographs of various activities that included arts, crafts, sports, community service projects, swimming lessons and field trips. Mrs. Eggleston noted for budgeting purposes, the Water Safety Instructor salary barely covers the \$400 cost of certification. 9-15 lunches were served under the summer food program. A Facebook page is being utilized for the program that is monitored by Director Eggleston and Leader Emily Dinehart. Mrs. Eggleston thanked the Board and the community for their support of the program.

2016 TENTATIVE TOWNWIDE, WATER & SEWER BUDGETS

Budget Officer Muscarella reviewed the 2016 Tentative Budget highlights (Changes from 2015 Budget Year). The 2016 Tentative Town Budget includes a .67% increase in the Town Tax Rate (equates to a yearly increase of \$1.60 per \$100,000 of assessed valuation.)

Budget highlights presented are attached.

The following changes were made to the 2016 tentative budget:

- 1355.1 move \$25,000 to 1355.4 appropriation code (Data Collector is contract position.)
- 1620.4 add \$10,000 (windows, pointing of stone, carpet)
- 9901.9 add \$10,000 (associated interfund transfer)
- 8120.4 move \$114,000 from 2015 to 2016 budget for the Indian Pines Sewer project
- The Branchport Library request for an increase was discussed, but will remain at \$11,000.
- The medical insurance will be reduced to reflect an 11.8%

increase.

With the changes as noted above, this will become the 2016 Preliminary Budget.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Martin needs to file an extension to complete work on roads lost in the flood.
- Black top was placed in the salt storage building on Monday.
- Supervisor Killen will consolidate information on Orange Street showing due diligence in determining Orange Street is not a Town road and submit it to Keuka College. Highway Superintendent Martin will address Hickory Street and South Avenue through the CHIPS inventory.

TOWN ENGINEER

- Notes of the September 10, 2015 KPSW meeting on file in the Office of the Town Clerk.
- KPSW has been working on the budget, Keuka Commons and Indian Pines Pump Station Forcemain Replacement project.
- The Sweeps Program has been doing a great job painting hydrants for the Water Department when weather permits.
- Supervisor Killen received the MUB hydrant flushing schedule.

COUNCIL

Councilor Parson stated Assessor Brand is proposing we advertise for a Data Collector. Supervisor Killen provided Councilor Jones the Assessor's response to questions he had on the proposal. It was the consensus of the Board to require a certified Data Collector. Assessor Brand will draft the advertisement and submit it to the Town Board for review.

SUPERVISOR

- Supervisor Killen received notice of the NYS Public Service Commission public hearing dates.
- EFC Bond D0-15584 on our sewer loan is repaid as of August 2015.
- The Yates County Office of Emergency Management "Wreck It 2015" disaster drill is being planned.
- Supervisor Killen will share information on the Pro-Star Energy Services electricity savings program with the Board.
- The FLEDC public hearing for the proposed Keuka Commons PILOT agreement is scheduled for September 29 at 1:00 P.M.

- Supervisor Killen has referred constituent calls regarding HH Ironwood trimming trees by the electric lines to NYSEG.
- E-mails received regarding the proposed subdivision on West Bluff Drive have been acknowledged by Supervisor Killen and forwarded to the Planning Board.

RESOLUTION #118-15

ADVERTISE FOR CODE ENFORCEMENT OFFICER

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved the Code Enforcement Officer position be advertised; and, be it further

Resolved Supervisor Killen check with Yates County Civil Service regarding ordering the test and the eligibility list.

Applicants will be instructed to file at Yates County Personnel.

RESOLUTION #119-15

RESOLUTION INTRODUCING LOCAL LAW AND CALLING A PUBLIC HEARING - TAX LEVY LIMIT OVERRIDE

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on October 21, 2015, at 7:10 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to

forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

SUBCOMMITTEE REPORTS:

AGR ZONING REVIEW SUBCOMMITTEE

Subcommittee Chair Tim Cutler will modify the draft AGR zoning amendments for boat storage and café based on suggestions from Attorney Graff for review by the Subcommittee.

BRANCHPORT HAMLET SUBCOMMITTEE

There has been interest expressed in sponsoring two more "Welcome to Branchport" signs.

RESOLUTION #120-15

PROCLAMATION - CONSTITUTION WEEK SEPTEMBER 17-23

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

WHEREAS, Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, It is the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies, and

WHEREAS, The anniversary of the signing of the Constitution provides an historic opportunity for all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges and responsibilities they afforded us in this unique document, and

WHEREAS, The independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate

ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of America in accordance with Public Law 915, now

THEREFORE, I, Patrick Killen by virtue of the authority vested in me as Jerusalem Supervisor in the State of New York, do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK in the Town of Jerusalem, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of American citizenship.

RESOLUTION #121-15

AUTHORIZE ASSESSOR TRAINING: ADVANCED DATA COLLECTING/COMMERCIAL

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

ADOPTED	Ayes	4	Dinehart, Killen, Parson, Steppe
	Nays	1	Jones

Resolved to authorize attendance of the Assessor and the Zoning Assessing & Planning Clerk to Advanced Data Collecting/Commercial training in Batavia on September 18, 2015 at a cost of \$250.00 to be paid out of 1355.4.

RESOLUTION #122-15

TABLE - RESOLUTION TO DEPOSIT CHECKS BY SCANNING

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved the Resolution to Deposit Checks by Scanning proposed by Supervisor Killen be tabled until the October meeting in accordance with the Rules of Procedure for Town Board Meetings.

RESOLUTION #123-15

APPOINTMENT - BOARD OF ASSESSMENT REVIEW - WILLIAM PINCKNEY

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

ADOPTED	Ayes	5	Dinehart, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that William Pinckney be appointed to the Board of Assessment Review for a five-term October 1, 2015 - September 30, 2020.

RESOLUTION #124-15

SCHEDULE PUBLIC HEARING - 2016 PRELIMINARY TOWNWIDE, WATER & SEWER BUDGETS

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

ADOPTED Ayes 5 Dinehart, Jones, Killen, Parson, Steppe
Nays 0

Resolved the Public Hearing on the 2016 Preliminary Townwide, Water & Sewer Budgets be set at 7:15 P.M. on October 21, 2015.

RESOLUTION #125-15

MOVE TO EXECUTIVE SESSION

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

ADOPTED Ayes 5 Dinehart, Jones, Killen, Parson, Steppe
Nays 0

Resolved that this meeting be interrupted to enter into Executive Session to discuss the notice of claim.

The Executive Session convened at 9:08 P.M.

The following information was received from Supervisor Killen:

The Board reconvened in regular session at 9:46 P.M.

RESOLUTION #126-15

NOTICE OF CLAIM - SECURE SERVICES OF DAVID LIPPITT

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

ADOPTED Ayes 4 Dinehart, Jones, Parson, Steppe
Nays 0
Abstain 1 Killen

To secure services of David Lippitt to conduct an investigation of a notice of claim at the hourly rate of \$150 per hour plus mileage at the IRS rate to conduct interviews to be held in person at the Town of Jerusalem Offices at a date and time to be determined.

With there being no further business, on a motion of Councilor Parson, seconded by Councilor Steppe, the meeting was adjourned at 9:48 P.M.

Sheila McMichael, Town Clerk

Exhibit 1
Local Law No. B of the year 2015

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Jerusalem, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Jerusalem to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Jerusalem, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

EXHIBIT 2

TOWN OF JERUSALEM

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on the 21st day of October, 2015, at 7:10 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2016 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

This by Resolution of the Town Board of the Town of Jerusalem.

Sheila McMichael, Town Clerk

TENTATIVE BUDGET SUBMISSION

2016 TENTATIVE BUDGET HIGHLIGHTS (Changes from 2015 Budget Year)

2016 Adopted Town Budget includes a .67% increase in the Town Tax Rate (equates to a yearly increase of \$ 1.60 per \$100,000 of assessed valuation).

1) Salary increases (other than noted below):

Contracted Water/Sewer union employees : per three year negotiated agreement.

3.0% for all other FT & PT employees except:

- a) Town Supervisor and Board members - no increase
- b) Registrar - no increase
- c) Highway employees total 3% increase - allocated to each employee as recommended by superintendent. Increased 7 workers overtime hours from 125 hrs. to 135 hrs. for a total cost increase of \$2,080.

2) Medical Insurance:

Estimated premium increase of 15.0%

Employee premium contribution of 5%

Town Board premium contribution of 7.5%

Dental Insurance:

Estimated premium increase of 10%

No employee premium contribution (except for one union employees = 5.0%)

3) General Fund A:

- a) Assessors (A/C 1355.1) includes \$25,000 salary addition for a Data Collector for proposed revaluation with additional FICA cost (A/C 9030.8) of \$1,912
- b) Assessor (A/C 1355.4) includes \$1,500 for revaluation data mailers.
- c) Assessor (A/c1355.2) includes \$10,000 for purchase of used vehicle.
- d) Buildings (A/C 1620.4) includes \$8,000 for general repairs.
- e) Revenue includes \$16,000 of revaluation reimbursement.

4) Highway DB :

- a) Equipment (A/C 5130.2) includes a new chipper at \$40,000 and a used 6 wheeler drump truck at \$45,000. The total \$85,000 is offset by usage from the Machine Reserve .
- b) Machine Reserve is replenished by \$75,000.
- c) Debt Service (A/C 9789.6 & 9789.7) include Salt Storage Building loan & Gradell lease payments totalling \$105,541.

5) Keuka Park Sewer :

- a) Sanitary Sewers (A/C 8120.2) includes purchase of new vehicle \$7,500 (30%).
- b) Sewerage Treatment & Disposal (A/C 8130.4) Reduction of Penn Yan Municipal expense \$8,000.
- c) Grinder Pump repairs (A/C 8189.4) increased by \$8796.

6) Keuka Park Water :

- a) Transmission & Distribution (A/C 8340.2) includes purchase of new vehicle \$17,500 (70%).
- b) Revenue includes \$77,500 from Water Routine Repair fund.