

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 20, 2014 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Deputy Clerk Goebel, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Glenn Herbert, Doug Paddock, John Carroll, John Christensen; *Chronicle Express* Reporter, Jim Crevelling, Bob Evans, Tim Cutler, Tom Close, and other interested parties.

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

RESOLUTION #130-14

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 16, 2014 meeting be approved as read.

RESOLUTION #131-14

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 30, 2014 special meeting be approved as read.

RESOLUTION #132-14

AUDIT OF CLAIMS

On a motion of Councilor Steppe, seconded by Councilors Jones and 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:	\$19,033.32
Outside Village	\$ 7,395.15
Highway DB:	\$53,189.85
Sewer:	\$41,572.11
Water:	\$30,228.03

July Utilities:

General:	\$ 1,902.62
Outside Village:	\$ 7.20
Sewer:	\$ 348.52
Water:	\$ 381.87
Trust:	\$35,102.07

RESOLUTION #133-14

SUPERVISOR REPORT

On a motion of Councilor Steppe, seconded by Councilor Dinehart, 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 July 2014 be accepted as presented.

PUBLIC HEARING - CONSOLIDATED WATER DISTRICT ROUTINE REPAIR RESERVE

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:07 P.M., asking for comments on the transfer of funds from the Routine Repair Reserve Fund of the Keuka Park Consolidated Water District and the adoption of a resolution authorizing Supervisor to expend said funds for a project with Aqualogics to update the instrumentation and control system in the Keuka Lake State Park-Branchport area.

No one from the public wished to comment.

The hearing was left open.

PRIVILEGE OF THE FLOOR: JOHN CARROLL, 3408 GUYANOGA ROAD

John Carroll presented a letter to Supervisor Killen.

Mr. Carroll presented his views on what he has accomplished on his property located at 3408 Guyanoga Road since buying it in 2012.

Mr. Carroll said he has plans to remove the large locust tree that is next to the holding tank that should improve the condition of the septic and dry well. It was pointed out that the cover over the septic is dangerous.

Supervisor Killen stated Code Enforcement Officer John Phillips sent a letter to Mr. Carroll citing several safety concerns and some of these concerns are getting worse.

After much discussion, it was decided that Supervisor Killen will have Mr. Phillips follow up with Mr. Carroll in writing, listing

the primary safety issues and the time frame for finalizing these issues. If these issues are not completed in a timely fashion, Mr. Carroll may face demolition of the property by the Town.

YATES COUNTY BOARD OF ELECTIONS

The Town Board noted they received the 2013 Annual Report and 2014 Commissioners' Goals from Commissioners Amy Daines (R) and Commissioner Bob Brechko (D).

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Martin provided an update on the roadwork related to the disaster, noting the weekend storm set the Highway Department back two weeks. He met with FEMA representatives today regarding our disaster recovery efforts.
- Oil and stoning of roads at the top of the Bluff will be delayed until next year.
- He has received several calls regarding the condition of the road between Pepper Road and West Bluff Drive. The Highway Department is helping to fill the pot holes, even though it is not a Town road. The residents are appreciative.

RESOLUTION #134-14

RESOLUTION TO CONTRACT WITH CHELSEY MARUSARZ TO ASSIST WITH DISASTER RECOVERY CLERICAL WORK

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

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

Whereas, the collection of data, data entry and completion of paperwork required for both FEMA and NYS disaster recovery work projects is voluminous and

Whereas, Jerusalem Highway Superintendent Rob Martin has no regular clerical help, and is a working supervisor needed both working and supervising work on the roads, and

Whereas, the Town Board of the Town of Jerusalem by Resolution #129-14 has authorized funds to pay for disaster recovery clerical assistance, now

Therefore be it resolved that Chelsey Marusarz be contracted to perform clerical work, or other duties as directed by Highway Superintendent Martin, related to disaster recovery at an hourly

rate of \$12.00, for a period not-to-exceed four months or to exceed \$4,000 without prior approval by the Town Board; and, be it further

Resolved that Highway Superintendent Martin be directed to verify any time sheet or invoice submitted by Chelsey Marusarz related to these duties.

RESOLUTION #135-14

APPOINTMENT - HIGHWAY DEPARTMENT MEO - CHAD McMINN

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

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

Whereas upon the resignation of a MEO at the Highway Department on July 30th 2014 there is an opening for this position; and

Whereas the Highway Superintendent has offered the position to the part-time MEO employee, Chad McMinn; and

Whereas the part-time employee, Chad McMinn has accepted the position of MEO; now, therefore be it

Resolved that Chad McMinn fill the vacant MEO position at the hourly rate of \$15.50 starting 8/4/2014

TOWN ENGINEER

- Notes of the August 12, 2014 KPSW meeting on file in the Office of the Town Clerk.
- PRV1 and PRV2 have both been rebuilt. PRV2 was re-built by Ross Valve and Keuka Park Personnel assisted. The Water Department was able to re-build PRV1 by themselves saving over \$1,300.00 in labor costs.
- The insurance claim was submitted and payment received from NYMIR for the emergency roof repair at the Keuka Park Sewer Pump Station roof repair authorized by Resolution #105-14.
- KPSW Department Head Paul Enos is working with the Budget Officer on the 2015 budget.
- Larson Design Group is working on a proposal to prepare a set of bid-ready plans, specifications and permits for the replacement of the 8" force main under Keuka Outlet at Indian Pines.

COUNCIL

- Clean Up Day will be August 23, 2014 from 8:30 to 2:30
- The Summer Recreation Program has finished up for the year.

SUPERVISOR

- Supervisor Killen met with Simmons Recovery Consultants who are helping us draft and coordinate our responses to FEMA to maximize our disaster reimbursement. The consultants provided a 13-page Disaster Impact Risk Assessment checklist of what is expected from FEMA.
- The Town will send a letter of support to the NYS Office of Parks, Recreation and Historic Preservation to place the Beddoe-Rose Cemetery in Keuka Lake State Park on the historic registry.

SUBCOMMITTEE REPORTS

EVENT PERMIT APPLICATION

There was a long discussion about amendments to the Event Permit Application. The Board is not in favor of road closures. Councilor Parson will make the suggested changes to the Event Permit Application and bring it back to the Board.

WATERFRONT REVITALIZATION PROJECT

Materials from the July 19, 2014 Local Waterfront Revitalization Project presentation to the Bluff Point Association were displayed at the Town Hall. One more public meeting will be scheduled. The goal is to have this project wrapped up by November 2014. At the Bluff Point Association meeting, it was noted information is not getting to the residents. The Subcommittee would like to find a way to have residents subscribe to a mailing list.

BRANCHPORT HAMLET STEERING SUBCOMMITTEE

Councilor Parson stated the Subcommittee is developing façade guidelines for businesses to follow.

OLD BUSINESS

PROPOSED LOCAL LAW A-2014 AGRICULTURAL RESIDENTIAL DISTRICT ZONING AMENDMENTS

Attorney Bailey reviewed several ways of completing this local law with the Board due to the controversy associated with what the allowed lot coverage should be. A straw vote was taken. There was no support from the Board on the proposed local law as written.

After a lengthy discussion, it was decided that Supervisor Killen would send a letter to the Zoning Board asking them to review all setbacks. The letter will also state the consensus is one acre lot and 20% coverage. Zoning Board Chair Herbert stated the Zoning Board will place this on their agenda for the next two meetings.

RESOLUTION #136-14

AUTHORIZE SUBMISSION OF A WORK REQUEST TO THE NYS DEPARTMENT OF
TRANSPORTATION TO ERECT TWO SIGNS IN THE ESPERANZA OVERLOOK

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

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

Whereas the Bluff Point Association has forwarded a diagram for the placement of two new signs to be erected at the Esperanza Overlook; one on the cultural history and one on the geology; now, therefore, be it

Resolved the Town Supervisor submit a New York State Highway Work Permit application to place the two signs; and, be it further

Resolved the Bluff Point Association will be responsible for the maintenance of said signs.

RESOLUTION #137-14

APPROVE PLANNING AND ZONING BOARD CREDIT FOR SUBDIVISION TRAINING

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

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

Whereas NYS has an annual training requirement for zoning and planning board members of four hours per year, and

Whereas, the Town Board is authorized to determine what type training would be allowed under this criteria, and

Whereas the Town Attorney, Phil Bailey will be conducting training on local subdivision regulations at the October 2nd regularly scheduled Planning Board meeting, now

Therefore be it resolved that any Planning or Zoning board member from the Town of Jerusalem shall get credit for training by attending this event, and signing an attendance sheet.

RESOLUTION #138-14

RESOLUTION AUTHORIZING SUPERVISOR TO EXPEND FUNDS FROM THE ROUTINE
REPAIR RESERVE FUND OF THE KEUKA PARK CONSOLIDATED WATER DISTRICT

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

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

The Town Board of the Town of Jerusalem, duly convened in regular session, and following a public hearing held pursuant to notice duly published in accordance with the provisions of Section 6-d of the General Municipal Law of the State of New York, does hereby resolve pursuant to the provisions of section 6-d of the General Municipal Law that the Supervisor of Town of Jerusalem be and he hereby is authorized and directed to transfer from the Routine Repair Reserve Fund of Keuka Park Consolidated Water District, duly established on March 19, 2008 (Res. No. 64-08), to the Keuka Park Water District expense item (item no. 8340.4) in the Annual Budget for the year 2014, Seventy-nine thousand, eight hundred fifty dollars (\$79,850.00) of the principal and accumulated interest in said Reserve Fund to engage AquaLogics Systems, Inc. of Syracuse, New York to provide and install new control and telemetry equipment for the Keuka Park Consolidated Water District, all as shown on plans and specifications for said project prepared by AquaLogics Systems, Inc. dated July 14, 2014, a copy of which is on file with the Town Clerk.

RESOLUTION #139-14

RESOLUTION CONTRACTING FOR PURCHASE AND INSTALLATION OF ADDITIONAL CONTROL AND TELEMETRY EQUIPMENT FOR THE KEUKA PARK CONSOLIDATED WATER DISTRICT WITHOUT COMPETITIVE BIDS IN 2014

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

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

WHEREAS, the Keuka Park Consolidated Water District (the District) comprises approximately 28 miles of water main serving approximately 2900 residential customers and 30 commercial and institutional customers, including Keuka College, together with three reservoirs, five remotely controlled mainline valves, re-chlorination and pumping facilities, and transmission of the water supply for the Town of Pulteney from the Penn Yan water treatment facility to the Pulteney system, all of which require continuous coordination due to changes in water quality and demand for water from time to time, which is not within the control of the District; and

WHEREAS, the District is comprised of the original Keuka Park Water District and its three extensions, which were created and constructed at different times over more that forty years; and

WHEREAS the District needs new control and telemetry equipment to

replace worn and outdated control in the former KPWD Extension #3 (Branchport and State Park), and further to make the control and telemetry equipment compatible with the 2012 revisions and improvements to the control and telemetry equipment in Keuka Park, and

WHEREAS, as a result of the irregular growth in the infrastructure of the District the equipment used to control the flow of water from the Penn Yan water treatment plant to the reservoirs and from the reservoirs to the customers has been acquired at different times and is now outmoded and less efficient than a new system of control equipment would be if it were properly designed and integrated for the specific needs of this district as a whole; and

WHEREAS, the acquisition, integration, and installation of this equipment requires the customization of computer software and programs in combination with the careful choice of new control devices and radio equipment, all of which must be compatible with each other and with the existing facilities so as to allow smooth and efficient remote control the various reservoirs, pumps, piping, and other devices now in place in the District, and

WHEREAS, the New York State Comptroller has opined (Opinion 85-35) that the public bidding requirement of General Municipal Law, Section 103, does not apply to situations where the items and services to be purchased are of a primarily technological nature that require specialized skill in the design, adaptation and customization of new equipment and computer software in order to integrate the same with existing infrastructure; and

WHEREAS, the Town Engineer has surveyed the firms available in this area that could design, create, and install the system described and has determined, after considering several such firms, that AquaLogics Systems, Inc. of Syracuse, New York possesses the necessary experience and technical expertise to design, create, and install a suitable system of control and telemetry equipment for the District and is otherwise reliable and diligent; and

WHEREAS, AquaLogics Systems, Inc. of Syracuse, New York has examined the existing infrastructure of the District and submitted a proposal (a copy of which is attached hereto and made a part hereof) for the appropriate new equipment together with the customization and installation of it at a price of Seventy-nine thousand, eight hundred fifty dollars (\$79,850.00); and

WHEREAS, the Town Engineer has therefore recommended the purchase and installation of the equipment described; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem that the Supervisor of Town of Jerusalem be and he hereby is authorized to contract for the purchase, customization and installation of new control and telemetry equipment from AquaLogics Systems, Inc. of Syracuse, New York at a price of Seventy-nine thousand, eight hundred fifty dollars (\$79,850.00) in accordance with the attached proposal, all without advertising for sealed bids, as authorized by State Comptroller Opinion 85-35.

RESOLUTION #140-14
2014 BUDGET AMENDMENT - FEMA/SIMMONS RECOVERY CONSULTING

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

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

Whereas, Resolution #127-14 authorized the Supervisor to execute a contract with Simmons Recovery Consulting in an amount not-to-exceed \$48,000 for assistance with the FEMA process in reference to the May 2014 flooding; and

Whereas, this payment will be reimbursed to the Town through FEMA at 75%; and

Whereas, the hiring of Simmons Recovery Consulting was an unforeseeable expense for 2014; and

Whereas, funds will be appropriated out of the Emergency Disaster Work (8760.4); now, therefore, be it

Resolved that the Town Board approve \$48,000.00 from the Unassigned Fund Balance to be expended out of the Emergency Disaster Work (8760.4) for Simmons Recovery Consulting.

RESOLUTION #141-14
TEMPORARY COVERAGE FOR CODE ENFORCEMENT OFFICER

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

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

Whereas the Code Enforcement Officer will be unavailable for a period of three weeks starting September 16, 2014 - October 6, 2014; and

Whereas the Town of Jerusalem will have an occasional need for a Code Enforcement Officer; now, therefore, be it

Resolved that sixteen hundred dollars (\$1,600) be allocated at a rate of \$20/hour for the services of Art Carcone for a period of three weeks starting September 16, 2014 contingent upon an approved application on file at Yates County Civil Service; and

Be it resolved that these services will be on an as needed basis to be determined by the ZAP Clerk (Elaine Nesbit).

RESOLUTION #142-14

PLANNING BOARD APPOINTMENT - TOM PRITCHARD

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

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

Resolved Tom Pritchard be appointed to the Planning Board to fill the unexpired term of Art Carcone through December 31, 2018.

CLOSE PUBLIC HEARING - CONSOLIDATED WATER DISTRICT ROUTINE REPAIR RESERVE FUND

With all persons desiring to be heard, Supervisor Killen closed the hearing to transfer funds from the Routine Repair Reserve Fund of the Keuka Park Consolidated Water District and the adoption of a resolution authorizing Supervisor to expend said funds for a project with Aqualogics to update the instrumentation and control system in the Keuka Lake State Park-Branchport area at 8:42 P.M.

RESOLUTION #143-14

MOVE TO EXECUTIVE SESSION

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 this meeting be interrupted to enter into Executive Session to discuss union negotiations and pending litigation with the Village of Penn Yan.

The Executive Session convened at 8:45 P.M.

Deputy Supervisor Stewart, KPSW Clerk Wheeler, and Attorney Bailey remained for the session.

The following information was provided by Councilor Jones:

RESOLUTION #144-14

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:50 P.M.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Dinehart, the meeting was adjourned at 9:55 P.M.

Carol Goebel, Deputy Town Clerk