

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 15, 2017 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin.

Excused: Councilor Anderson, Town Engineer Ackart.

GUESTS: Tim Cutler, Taylor Fitch, Doug Paddock, Gary Smith, John Manley.

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

CHANGES TO THE AGENDA

Supervisor Killen added the Intermunicipal Mutual Aid Agreement with Yates County and an additional Executive Session to discuss an employee's work history to the agenda.

RESOLUTION #52-17

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 15, 2017 meeting be approved as read.

RESOLUTION #53-17

AUDIT OF CLAIMS

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

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

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

General:	\$ 8,991.74
Outside Village	\$ 161.50
Highway DB:	\$15,802.69
Sewer:	\$34,088.81
Water:	\$31,140.32
Branchport Light	\$ 242.81

February Utilities:

General:	\$ 336.48
Outside Village:	\$ 77.81
Sewer:	\$32,331.57
Water:	\$ 141.52
Highway DB	\$56,422.32

Trust: \$28,813.45

RESOLUTION #54-17

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of January 2017 be accepted as presented.

RESOLUTION #55-17

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of February 2017 be accepted as presented.

YATES COUNTY BOARD OF ELECTIONS

Board of Elections Commissioner Amy Daines will attend the April meeting due to the inclement weather.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Martin received a request to rent approximately 4 acres of land adjacent to our gravel pit that is not permitted to mine. The County legislators were asked to share a similar land agreement they may have in place.
- Supervisor Killen will send the parking issues on North Avenue in Keuka Park to Attorney Graff.

TOWN ENGINEER

- Notes of the March 2, 2017 KPSW meeting on file in the Office of the Town Clerk.
- The Indian Pines Forcemain replacement project is scheduled to start March 27th.

ASSESSOR

- Monthly report on file.
- The Data Collector contracted under Resolution #32-17 has not been available. There has been interest expressed from another candidate.

SUPERVISOR

- Letters of support are being gathered to submit with the NYS DEC grant application per Resolution #49-17 for the eradication or remediation of the invasive species, Starry Stonewort.
- Supervisor Killen will contact the Teamsters Union to begin the 1/1/2018 contract negotiations early to coincide with our 2018 budget timeline.

RESOLUTION #56-17

ST. MICHAEL'S BIKE THE BLUFF

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

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

Resolved the Town has been notified St. Michael's Bike the Bluff fundraiser will be held Saturday, June 17th from approximately 8:00-12:00 noon.

SUBCOMMITTEE REPORTS:

NOISE ORDINANCE SUBCOMMITTEE:

Town Clerk McMichael submitted the draft noise ordinance to Attorney Graff on March 7th.

Supervisor Killen submitted the draft noise ordinance to the Keuka Park Association and forwarded their concerns to Attorney Graff. He addressed the Association's concerns with Gary Smith and John Manley in attendance tonight. Supervisor Killen will share Attorney Graff's comments with the Board and Town Clerk.

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE:

The Comprehensive Plan Review Subcommittee will begin meeting in April.

Draft Intermunicipal Agreements with the Town of Milo

Supervisor Killen will resend the draft agreements to the Board and Town Clerk.

PLANNING BOARD APPLICANTS

Bob Morse submitted a letter of interest for the Planning Board position to Supervisor Killen. The Interview Committee will recanvas applicants and provide a summary of the applicants' background and their recommendation.

RESOLUTION #57-17

AUTHORIZING THE TOWN OF JERUSALEM HIGHWAY SUPERINTENDENT TO ADVERTISE FOR THE CRUSHING OF GRAVEL

On a motion of Councilor Dinehart, seconded by Supervisor Killen,

the following was

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

WHEREAS, Funds were approved within the 5110.4 of the DB budget for the purpose of crushing gravel, and

Whereas, The Highway Superintendent wishes to have such task completed in the summer of 2017, now

THEREFORE, be it resolved that the Town Board authorizes the Highway Superintendent to place an ad in the Town's official newspaper for the purpose of receiving sealed bids for the crushing of gravel at the Town owned pit, (located at 2672 Guyanoga Road, Penn Yan, NY).

RESOLUTION #58-17

AUTHORIZE KPSW TRENCH BOX PURCHASE

On a motion prepared and offered by Supervisor Killen, seconded by Councilor Dinehart, the following was

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

Whereas OSHA safety regulations on some excavation work requires use of a trench box for worker safety, and

Whereas Town of Jerusalem desires to provide necessary equipment to protect employees, and

Whereas KPSW has had to hire contractors in many cases where excavation work was being done to obtain use of a trenchbox, and

Whereas KPSW subcommittee has recommended KPSW compare pricing and specifications for trench box equipment that can be handled by the two KPSW maintainers and make a recommendation for purchase, and

Whereas KPSW budget includes funding for such equipment, and

Whereas after study of trench boxes, KPSW Department Head Lee Hardy has recommended the best price and type of trench box for their needs would be a ShoreLite 6X6 set with spreaders, a lift sling and two foot leg kit, and

Therefore be it resolved that KPSW be authorized to purchase a ShoreLite, 6X6, aluminum trench box kit, a four point lift sling, and a two foot leg kit for an amount not to exceed \$4700.

RESOLUTION #59-17

KPSW FL Water conference training and annual dues

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

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

Whereas; Finger Lakes Water Works Conference is hosting the Winter Meeting at Harbor Hotel located at 16 N. Franklin Street, Watkins Glen, NY;

Whereas; the cost for a pre-paid, pre-registered 2017 Conference Member is \$25.00/person;

Whereas; accreditation of operator contact hours will be given for attendance;

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification;

Whereas; instruction and training expenses were approved in the 2017 budget;

Therefore be it resolved to authorize attendance for up to (2) person(s) from the Water / Sewer Department to attend the Finger Lakes Water Works Conference Spring Meeting at a cost of \$25.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

RESOLUTION #60-17

Authorize purchase of Assessor's desktop

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

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

Whereas the assessors computer is outdated and needs to be updated. Therefore be it resolved that a new computer be purchased out of the assessors budget in an amount not to exceed eight hundred dollars. This expense to be funded from 1355.2.

RESOLUTION #61-17

TABLE - OPEN DEVELOPMENT AREA - 8242 EAST BLUFF DRIVE

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

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

Resolved:

1. That the Open Development Area request at 8242 East Bluff Drive be tabled.

2. That the Clerk forward Resolutions #54-08 and #101-08 to Attorney Graff (Exhibits 1 and 2 attached).
3. That the Maintenance Agreement be placed on the April agenda.

TOWN HALL - PAINT INTERIOR

Painting the interior of the Town Hall will be added to the April agenda.

RESOLUTION #62-17

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss the work history of a specific TOJ Highway worker.

The following information was provided by Councilor Jones:

Highway Superintendent Martin was asked to attend.

The Executive Session convened at 8:24 P.M.

RESOLUTION #63-17

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:28 P.M.

Draft letter to Attorney Graff for approval regarding Family Medical Leave Act (FMLA) for a Town employee. Offer the 12 weeks FLMA. Employer will pay 95% of health insurance premium. Employee pays 5%.

The meeting was adjourned at 9:30 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

RESOLUTION #54-08

ADOPT - OPEN DEVELOPMENT AREA - DECLARATION OF COVENANTS REGARDING
MAINTENANCE OF PRIVATE ROADS

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

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

WHEREAS, Section 280-a of the Town Law authorizes towns to adopt general rules for private roads that serve improvements on more than one lot by means of an easement in an area referred to in said law as an "Open Development Area"; and

WHEREAS, applications are made 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 Town of Jerusalem adopted Rules for Private Roads in the Town of Jerusalem on June 20, 2007 that apply to any private road that serves two or more lots; and

Whereas Chapter 93. Article II. Rules for Private Roads, Section 93-23. Maintenance and repair. states there must be an agreement among the property owners providing for maintenance and repair of the private road and said agreement must be recorded in the deed records at the Yates County Clerk's office prior to the issuance of a building permit for any lot served by this road; and

Whereas, Town Attorney Bailey drafted such agreement for an Open Development Area application filed previously; now, therefore, be it

Resolved that the following agreement format or an agreement satisfactory to the Town Attorney be adopted:

DECLARATION OF COVENANTS
REGARDING MAINTENANCE OF PRIVATE ROAD

KNOW ALL MEN BY THESE PRESENTS: that _____,
residing at _____, being the owners of All that Tract
or parcel of land situate in the Town of Jerusalem, County of

Yates, and State of New York, bounded and described as set forth in schedule A attached hereto, including the right of way from said land to _____, a public highway of said town, which runs across land conveyed by us to _____ by deed recorded in the Yates County Clerk's Office on _____, 200__ in Liber --- at page -----, do hereby declare and covenant for ourselves, our heirs, representatives and assigns as follows:

1. The owners of said land and the various parcels therein as they may be from time to time will be solely responsible for maintaining, repairing, and removing ice and snow from the private road. The private road shall be cleared and maintained to a width of not less than fifteen (15) feet and kept in a good and passable condition. They shall be solely responsible for compliance with the Rules for Private Road in Open Development Area No. ____ of the Town of Jerusalem as established by Resolution of the Town Board of the Town of Jerusalem on _____, 200__.

2. The cost of such repair, maintenance, removal and compliance shall be paid by the various owners, and they may agree among themselves from time to time on a fair and equitable division of such cost according to the relative benefit derived by each from such private road.

3. The undersigned are aware that the Town of Jerusalem has no responsibility for the maintenance and repair of the private road, for the removal of ice and snow from it, or liability for injury to person or property resulting from the use of it.

4. These covenants shall be and constitute real covenants running with the land and shall be binding upon Owners and any or all subsequent owners of the real property, or any part thereof, and upon their heirs, representatives, successors and assigns.

5. These covenants shall be enforceable by such owners, their heirs, representatives, and assigns by action for an injunction or for any other appropriate remedy.

IN WITNESS WHEREOF, the undersigned have set their hands and seals hereto as of this _ day of _____, 200__.

Exhibit 2

RESOLUTION #101-08

REFERRING ALL REQUESTS FOR OPEN DEVELOPMENT AREAS TO THE PLANNING BOARD

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

ADOPTED Ayes 4 Folts, Hopkins, Jones, Simmons
Nays 0

Whereas, Section 280-a of the Town Law requires that the Town Board shall refer all applications for the creation of an Open Development Area, as defined in that Section, to the Planning Board for its advise on the application and that the Planning Board shall have a reasonable length of time to report on the matter; and

Whereas, the Planning Board agrees that a reasonable length of time to report on such an application shall be 30 or 60 days from receipt, depending on the complexity of the circumstances of the case; now, therefore, be it

Resolved that:

1. All applications for the creation of a new Open Development Area within the Town of Jerusalem are hereby referred to the Town of Jerusalem Planning Board in accordance with procedures established in this resolution.
2. The Code Enforcement Officer (CEO) shall receive all such applications and the prescribed application fee and shall insure that all relevant information is submitted with the application.
3. If and when the CEO shall determine that an application is complete, he shall forward the same to the Chairman of the Planning Board, who shall place the matter on the agenda of the next regular meeting of the Planning Board. At the same time the CEO shall advise the Supervisor and Town Clerk of the receipt of the completed application.
4. The Planning Board shall report to the Town Board its recommendation either to approve or disapprove the application.
5. The Planning Board's report shall be in writing and shall contain its reasons for its recommendation. If the recommendation is to approve the application, the Planning Board may prescribe such Rules for the construction and maintenance of the private road as it shall deem appropriate in the circumstances. In so doing the Planning Board shall be guided by the Rules for Private Roads heretofore adopted by the Town Board with the advice of the Planning Board on June 20, 2007, but these Rules may be modified as required by a particular case.
6. The Planning Board's report shall be received by the Town Clerk at least five (5) days prior Town Board's regular meeting

- scheduled at least 30 days after the receipt of the application by the Chairman of the Planning Board.
7. If the circumstances of the case reasonably require more time for the Planning Board to report, it may so notify the Clerk of the Town Board, in which case the report shall be received by the Town Clerk at least five (5) days prior to Town Board's regular meeting scheduled at least 60 days after the receipt of the application by the Chairman of the Planning Board.
 8. If a Planning Board does not report to the Town Board as provided in paragraphs 6 or 7 above, the Town Board may act on the application without a report from the Planning Board.
 9. The Procedure for Handling Requests for Open Development Area (ODA) attached to this Resolution is hereby adopted and shall be followed until further resolution of this Town Board. In case of conflict between this Resolution and the Procedure, this Resolution shall govern.
 10. The Town Clerk shall furnish a copy of this Resolution to the Planning Board and the CEO.
 11. This Resolution shall take effect immediately.

TOWN OF JERUSALEM

Procedure for handling Request for Open Development Area (ODA):

1. Request goes to CEO for action by Town Planning Board and Town Board.
 - a. Fee paid.
 - b. CEO sees that all necessary information is furnished.
 - i. Map showing lots to be served, road, and public highway, all with dimensions.
 - ii. Copy of owner's deed.
 - iii. Proposed maintenance agreement or deed provision.
 - iv. SEQR EAF.
 - c. When complete, CEO sends to Planning Board for consideration at its next regular meeting.
 - d. Planning Board must report to the Town Board 5 days before the Town Board's next regular meeting after the Planning Board meeting. In unusual cases Planning Board may have an additional 30 days to report.
2. Planning Board response.
 - a. Planning Board reports to Town Board in writing.
 - i. Recommends either to establish or not to establish the ODA.
 - ii. Recommends use standard Rules (Spec's) or modified Spec's.
 - iii. Includes statement of reasons for its recommendation.
 - b. Or, Planning Board does not respond.
3. Town Board acts on request by Resolution. Town Board may:

- a. Require applicant to construct road in accordance with the spec's before ODA will be established, or
 - b. Establish ODA on condition that road must be constructed and approved by the CEO or the Yates County Soil and Water Office, or both of them, before any building permits are issued, or
 - c. Disapprove the request.
 - d. Approval of the CEO or the Yates County Soil and Water Office shall mean a written approval without conditions. If either of them feels that unconditional approval cannot be given, he shall disapprove and state the reasons.
4. CEO may not issue a Building Permit for a lot until:
- a. Town Board has adopted resolution establishing ODA.
 - b. Road has been constructed to the lot and in accordance with resolution establishing ODA.
 - c. Highway superintendent has approved road in writing without conditions.
5. CEO may not issue a Certificate of Occupancy until:
- a. A maintenance agreement has been recorded in Yates County Clerk's Office.
 - b. A road sign has been erected with house number(s) displayed.