

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 21, 2018 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin.

Excused: Town Engineer Ackart

GUESTS: Rob Schwarting, Board of Elections; Tim Cutler, Andy Sprague.

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

RESOLUTION #56-18
CHANGES TO THE AGENDA

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved the appointment of Court Clerk resolution be added to the agenda.

RESOLUTION #57-18
APPROVAL OF MINUTES

On a motion of Councilor Stewart, seconded by Councilor Anderson, the following was

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved that the minutes of the February 21, 2018 meeting be approved as read.

RESOLUTION #58-18
AUDIT OF CLAIMS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

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

General:	\$ 5,283.85
Outside Village	\$ 118.38
Highway DB:	\$221,599.06
Sewer:	\$ 94,529.04
Water:	\$ 41,567.11

February Utilities:
General: \$ 2,301.50

Outside Village:	\$ 111.04
Highway DB:	\$56,629.76
Branchport Light:	\$ 444.43
Sewer:	\$ 574.39
Water:	\$ 571.42

RESOLUTION #59-18
SUPERVISOR REPORT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of February 2018 be accepted as presented.

PRESENTATION - YATES COUNTY BOARD OF ELECTIONS

Rob Schwarting, Republican Deputy Commissioner provided an overview of the following discussion items:

- Budget/Reapportionment (early voting costs, electronic poll book expense, aging voting machines)
- Cost saving measures (need action from State Legislature) district size, changing date of Primary, staffing
- Current Bills in State Legislature (early voting, increase district size to 3000 voters)
- Offices up for Election
- Code Enforcement & Assessors-New Streets/Roads/Subdivisions/Developments/Closures (Notify BOE to maintain "Street Finder" and prepare prior to Voters registering from the residential address. It can take the Post Office 6 months to get new street established. We work with PO, 911 Chief Dispatcher, Real Property Director, Code Enforcers, Assessors, Clerks, Fire Chiefs, EMS Coordinator, and School District Staff. An email update would be sufficient.)
- Facility Use - your and our thoughts, needs and concerns
- Emergency Plan (Alternate Polling Locations)
- Political Calendar
- Training on carrying petitions scheduled on May 17.
- Poll workers are always needed. Salary is \$12/hour.

NYMIR INSURANCE PROPOSAL

Andy Sprague, Sprague Insurance presented an overview of the NYMIR Insurance Proposal. The 2018-2019 annualized insurance premiums will decrease to \$39,999.76. There will be an additional cost to add the new 10-Wheeler. (Purchase authorized by Resolution #152-17).

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Clean-up continues following the March 2nd heavy snow resulting in numerous downed trees.

TOWN ENGINEER

- Notes of the March 1, 2018 KPSW meeting on file in the Office of the Town Clerk.
- The Sewer Rehabilitation Capital Project bid opening is April 5.
- The KPSW Subcommittee reviewed the results of the Sewer Survey Monkey results.

ASSESSOR

- Report on file.
- The Change of Assessment notices will be mailed next week.
- The revaluation process was discussed at length.

COUNCIL

- Terry Passno is setting the generator at the Town Office this week. The hook-up will be done at a later date.
- The Village Wholesale Water Partners meeting is April 26.
- Numerous concerns were voiced to Town Board members following recent decisions by the Zoning Board.

RESOLUTION #60-18

AUTHORIZE HIGHWAY MEETING WITH ATTORNEY GRAFF

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that Highway Superintendent Martin be authorized to schedule a meeting with Attorney Graff to clarify Highway Law 130 and issuing building permits for structures to be built in the highway right-of-way.

SUPERVISOR

- A Meet and Greet Reception was held on February 27 for Town Historian Ellen Chirco.
- A Pomeroy Grant application will be submitted for a historic marker to be placed at the Library for the site of the railway depot and path to the Branchport Steamboat Dock.

- Genesee Finger Lakes Regional workshops are scheduled on Friday, May 18th (zoning, planning, code).
- The Branchport/Keuka Park Fire Department Annual Banquet is 4/21/18 at 6 pm. Contact Gordon Snyder for tickets.
- The Finger Lakes Economic Development Center Annual Meeting is Friday, March 23rd at 2:45 pm at Veraisons (Glenora).
- NYS DEC Grant announcement - Urban Forestry Round 14 - information sessions at Dewitt, Avon, Depew (tree planting, maintenance education, etc.)
- KPSW customer, Tom Williams sent a note of appreciation for the work done by employee Kasey Christensen.
- Bluff Point Association volunteers want to fix the fence at the 54A overlook again. Supervisor Killen is working with NYS Highway to get materials.

COMPREHENSIVE PLAN SUBCOMMITTEE REPORT:

The Subcommittee will be meeting to finalize the community survey.

RESOLUTION #61-18

BOND RESOLUTION - WATER CAPITAL PROJECT

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

WHEREAS, the Keuka Park Consolidated Water District is a Water District of the Town of Jerusalem, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on January 17, 2018, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on January 17, 2018, has duly adopted a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Jerusalem shall undertake certain capital improvements consisting of the acquisition and construction of water Improvements for the Keuka Park Consolidated Water

District, including, without limitation, the installation of approximately 440 linear feet of new water main on Cypress Street and the replacement of approximately 2,775 linear feet of existing water main, the installation of new services with a direct connection to the Town's mains, the installation of six automatic flushing stations, tank improvements and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$782,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Jerusalem of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$782,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of any grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations,

if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Jerusalem.

Section 7. The faith and credit of the Town of Jerusalem, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Jerusalem together with a notice in substantially the form prescribed by

Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

RESOLUTION #62-18

APPROVE INTERMUNICIPAL COOPERATION AGREEMENT WITH MILO AND KPSW

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Intermunicipal Cooperation for Sharing of Highway Department and Water and Sewer Department Services Agreement BETWEEN THE Town of Milo and the Town of Jerusalem be approved with amendment to delete "Highway Department and" in Section 2. Terms.

RESOLUTION #63-18

RENUMBER PAGES OF INTERMUNICIPAL COOPERATION AGREEMENT WITH MILO AND KPSW

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the pages of the Intermunicipal Cooperation Agreement with Milo as authorized by Resolution #63-18 be renumbered consecutively beginning at page 1.

INTERMUNICIPAL ASSISTANCE AGREEMENT WITH MILO AND KPSW

The Agreement will be placed on the April 18, 2018 Town Board agenda.

RESOLUTION #64-18

INSURANCE POLICY RENEWAL

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the 2018-2019 insurance policy be renewed with Sprague Insurance as the Sprague premium is offset by the return of the annual underwriting earnings to NYMIR members.

Supervisor will notify Andy Sprague and Steve Stork of the decision.

RESOLUTION #65-18

2018 BUDGET AMENDMENT HIGHWAY DB

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas, Resolutions #236-17 and #237-17 authorized surplus equipment to be sold at auction; and

Whereas, such items were sold through Auctions International and the Town received payment on March 1, 2018; and

Whereas, Highway Superintendent Martin requested the 2018 Highway DB budget be amended to reflect this sale; now, be it

Resolved the 2018 Highway DB budget be amended as follows
Increase to revenue 2650 (sale of surplus equipment) \$ 2,790.00
Increase to expense 5130.4 (machinery) \$ 2,790.00

RESOLUTION #66-18

AUTHORIZE HIGHWAY TRAINING - CORNELL LOCAL ROADS PROGRAM

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Highway Superintendent Martin and Deputy Superintendent Hurd be authorized to attend the Cornell Local Roads 2018 Spring Workshop on April 4, 2018 at the Ontario County Cooperative Extension Office, Canandaigua, New York at a cost of \$50/person. This expense to be funded 50% from the 5010.4 and 50% from the 5132

RESOLUTION #67-18

AUTHORIZE PURCHASE OF A PANASONIC TOUGHBOOK CF-54 LAPTOP:

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart

Nays 0

Whereas, the Master Meter Handheld Jet will be traded-in with the purchase of the Master Meter System Upgrade; the Sewer & Water Dept. will purchase a Panasonic Toughbook CF-54 Laptop.

Whereas, the Sewer/Water Dept. budgeted for the purchase of a new laptop as part of the Master Meter System Upgrade,

Therefore; be it resolved that the Sewer/Water Dept. be authorized to purchase a Panasonic Toughbook CF-54 Laptop for \$1,751.00 along with shipping and handling \$70.33 for a total of \$1,821.33 from Tough Rugged Laptops, 1251 Manassero, Suite 401, Anaheim, CA 92807.

Be It Further; that monies for this purchase be taken from the 2018 Sewer/Water appropriation; 70 percent 8310.2 and 30 percent 8110.2

RESOLUTION #68-18

AUTHORIZE BOARD TRAINING - SEMINAR FOR LOCAL OFFICIALS TRAINING

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Councilor Jamie Sisson be authorized to attend the NYS Comptroller Budgeting, Planning and Policies Training for Local Officials on April 19 at the Ogden Town Hall, Spencerport, New York with expenses to be funded from 1010.4.

RESOLUTION #69-18

AUTHORIZE KPSW TRAINING - FINGER LAKES WATER WORKS CONFERENCE
SPRING MEETING

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas; Finger Lakes Water Works Conference is hosting the Spring Meeting at Elks Lodge located at 300 N. Madison Ave. (Route 14), Watkins Glen, NY;

Whereas; the cost for a pre-paid, pre-registered 2018 Conference Member is \$23.00/person;

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

\$23.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

UNSAFE STRUCTURE 4352 ITALY HILL ROAD

Code Enforcement Officer DeVoe informed the Board this afternoon that progress is being made on the property maintenance violations at 4352 Italy Hill Road.

RESOLUTION #70-18

RULES OF PROCEDURE AMENDMENT

Councilor Jones moved the following:

Resolved the Rules of Procedure, Section 7. Agendas be amended as follows:

The agenda shall be prepared by the ~~Town Clerk~~ Supervisor.

There was no second on the motion. Town Clerk McMichael stated the request was made as procedure is not followed.

Following a lengthy discussion, the consensus was there would be no change to the Rules of Procedure as adopted January 3, 2018 (Resolution #1-18) and the Clerk will continue to prepare the agenda.

RESOLUTION #71-18

AUTHORIZE JUSTICE TRAINING

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved newly appointed Town Justice Todd Whitford be authorized to attend "Taking the Bench Certification Program" from April 9-13, 2018 in Albany. Approved expenses are \$116/day for the hotel plus meal allowances to be funded by account 1110.4.

RESOLUTION #72-18

APPOINT COURT CLERK - CAROL WARREN

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

ADOPTED	Ayes	4	Anderson, Killen, Sisson, Stewart
	Nays	1	Jones

Whereas incoming Justice Todd Whitford will need a court clerk; and

Whereas he has requested to have Carol Warren act as his clerk; and

Whereas Carol has agreed to act as court clerk for Todd; and

Therefore be it resolved that the Town Board approve Carol Warren as Court Clerk, to begin duties concurrently with Justice Whitford, providing the 7th Judicial District approves her hiring as a relative (mother-in-law),

And that Carol's pay be \$13.00 per hour.

PUBLIC COMMENT

Highway Superintendent Martin stated on March 2nd the Supervisor was notified of the severe weather conditions at 5:00 A.M. warranting closing the Town Office. This did not get communicated and the notice of closing was not put out until after 8:00 A.M. Discussion ensued regarding the delegation and authority of the Deputy Supervisor.

RESOLUTION #73-18

DESIGNATE TOWN CLERK AS CONTACT ADMINISTRATOR FOR RETIREMENT SYSTEM

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved the Supervisor be authorized to sign the New York State & Local Retirement System form naming Town Clerk Sheila McMichael as the Contact Administrator.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Sisson, the meeting was adjourned at 9:26 P.M.

Sheila McMichael, Town Clerk