

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 17, 2010, at 7:00 P.M. at the Branchport Fire Hall, Route 54A, Branchport. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Town Attorney Bailey, Town Clerk McMichael.

Excused: Highway Superintendent Payne, Town Engineer Ackart.

GUESTS: Bob Evans, Sue Close, Bill Pringle, Taylor Fitch, Debbie Koop, Tom Close, Jim Fitzgibbons.

Village Representatives: Rom French, Gerry Nissen, Bruce LeClaire, Dan Banach, Brent Bodine, Bob Hoban, Bob Church, Willie Allison, Mayor Doug Marchionda, Rich Stewart, Mike Christensen.

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

VILLAGE OF PENN YAN OFFICIALS - SEWER CONTRACT HISTORY

Village of Penn Yan Municipal Board Chair Rom French repeated his January 25, 2010 presentation on the history of the sewer contracts between the Village of Penn Yan and the Town of Jerusalem. Note: Mr. French presented verbally. This was made without copy and is not intended to be a transcript:

Mr. French provided an overview of the terms of the 1967, 1970, 1975, 1995 and 2002 contracts, noting there has been conflict within the Village Board and the Town Board since 2005 related to the 2002 contract appended to the 1995 contract for East Bluff Drive Sewer #2.

The Jerusalem sewer district was formed in 1966, with the contract being signed in 1967. Construction of the sewer district began with Jerusalem building their infrastructure and tying to Penn Yan. Terms of the 1967, 1970 and 1975 contracts that were carried forward included a 205,000 gallons/day (gpd) capacity, Jerusalem paid 1.5 times the Village residential rate and a 2%/month penalty for non-payment. Mr. French explained the 205,000 gpd capacity included in the contracts was not intended to be the actual flow, but was set to give the Jerusalem sewer district leeway to grow.

In 1995, various projects were undertaken by the Village and Town to comply with Department of Health environmental issues, along with renegotiating the contract. The 205,000 gpd term remained, computed on a monthly average basis and the 1.5 times the Village residential rate clause was removed and replaced with a \$150,000 base to be paid by the Town for sewage treatment plus a percent of the sewage treatment plant operations that was negotiated by the Town Supervisors. In 1999, this percent was negotiated at 31% and that has been charged to the Town since that time. The Town has

questioned the 31% and this issue is currently in the hands of the Court.

Mr. French stated there has been 43 years of cooperation between the Town and the Village related to these contracts.

This was the end of the summarization of Mr. French's presentation.

The parties agreed that they are ready to move ahead, noting the contracts are poorly written and the terms are difficult to understand. Following a lengthy discussion, it was determined that Clerk/Treasurer Wilbur and KPSW Clerk Wheeler will coordinate future meetings.

Mr. French delivered an open invitation to everyone to attend the monthly MUB meetings. Their next meeting is March 11 at 8:30 A.M. Tours of the wastewater treatment plant can be scheduled through Clerk/Treasurer Wilbur.

The Village representatives left the meeting.

RESOLUTION #40-10

APPROVAL OF MINUTES

On a motion of Councilperson Simmons, seconded by Councilperson Folts, the following was

ADOPTED	Ayes	4	Folts, Jones, Simmons, Stewart
	Nays	0	
	Abstain	1	Parson

Resolved that the minutes of the December 8, 2009 meeting be approved as read.

RESOLUTION #41-10

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Simmons, Stewart
	Nays	0	
	Abstain	1	Parson

Resolved that the minutes of the December 16, 2009 meeting be approved as read.

RESOLUTION #42-10

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Simmons, Stewart
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Nays 0
Abstain 1 Parson

Resolved that the minutes of the December 30, 2009 meeting be approved as read.

RESOLUTION #43-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 6, 2010 Organizational meeting be approved as read.

RESOLUTION #44-10

APPROVAL OF MINUTES

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

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

Councilperson Simmons requested the opening paragraph of Supervisor Jones' prepared statement regarding the Budget Officer be struck on page 15. of the January 20, 2010 minutes as he did not make a motion to appoint Chuck Bastian as Budget Officer as was noted.

Resolved that the minutes of the January 20, 2010 meeting be approved as corrected.

RESOLUTION #45-10

AUDIT OF CLAIMS

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

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

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

General:	\$ 13,602.54
Highway DA:	\$ 579.15
Sewer:	\$ 13,814.18
Water:	\$ 8,016.25
Branchport Light:	\$ 232.75

January utilities:

General: \$ 792.13
Sewer: \$236,428.97
Water: \$ 24,925.13
Trust: \$ 71,910.63

RESOLUTION #46-10
SUPERVISOR'S REPORT

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

ADOPTED Ayes 4 Folts, Parson, Jones, Stewart
Nays 1 Simmons

Resolved that the Supervisor's Report on the Town's finances for the month of January 2010 be accepted as presented.

REPORT OF TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

Written report on file in the Office of the Town Clerk.

TOWN ENGINEER

- Councilperson Stewart reported Town Attorney Bailey received the Memorandum of Gift from Keuka College conveying ownership of the Assembly Avenue sewer line to the Town.
- The price per gallon for bioxide will be increasing 25%.

COUNCIL

- The Town Board received a request from the Code Enforcement Officer to exempt service organizations from the fire inspection fee. Councilperson Parson will discuss this further with Mr. Phillips and report at the March meeting.
- Proposed amendments addressing concerns with our steep slopes regulations will be presented to the Planning Board at their March 4th meeting.

SUPERVISOR

- Supervisor Jones read a letter from Attorney Donald Schneider on behalf of Elaine Nesbit, Zoning and Planning Clerk, that discloses for the record that she and her husband hold a mortgage on their former home that is part of the property now owned by David Wegman and George Sproule, for which they have applied for Site Plan Approval for townhouses.
- Supervisor Jones will send the Bitley Cemetery Association a letter stating the Town will consider their request to increase our annual contribution to the Cemetery as part of the 2011 budget process.

SUBCOMMITTEE REPORTS:

CONSERVATION OF NATURAL RESOURCES & RENEWABLE ENERGIES

Subcommittee members Deb Koop and Jim Crevelling presented the Open Space Inventory map that represents Jerusalem's open space as of December 2009. The Town Board accepted the Subcommittee's mission in February 2009 to assist the Town in implementing the Conservation Action Strategies defined in our Comprehensive Plan. Adoption of the proposed map is the first step of the Open Space Plan that will help us be competitive in securing grant funding. The subcommittee selected the State's definition of Open Space which in general is land not intensively developed for residential, industrial, commercial or institutional use. The Open Space Inventory map will be used for research and can be used as a database tool.

Assessor Butch Comstock displayed the map he created, coded by farm, large parcels (25+ acres), 3-25 acre parcels and government lands. He explained both the map and the accompanying handout that detailed the criteria used in developing the map. Overlays such as the Ag District and slopes can be added to this map at a later time.

The subcommittee was commended for all the work they have done in creating such a detailed map.

RESOLUTION #47-10

2009 OPEN SPACE INVENTORY MAP

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

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

Resolved the Town Board accept the 2009 Open Space Inventory Map as presented by the Conservation of Natural Resources & Renewable Energies Subcommittee and approved by the Jerusalem Planning Board on February 4, 2010.

SUBDIVISION SUBCOMMITTEE:

The proposed subdivision fee schedule will be placed on the March 17, 2010 Town Board meeting.

WIND FARM SUBCOMMITTEE:

No report.

RESOLUTION #48-10

AUTHORIZE ADDRESSING SUBCOMMITTEE LETTER:

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

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

Whereas the Addressing Subcommittee has proposed the following letter be sent to residents affected by the new addressing system that outlines the numbering system and processes to be undertaken to ensure all necessary address changes:

Dear Jerusalem Resident,

You need to:

1. Remove any and all old numbers that are posted on your property, building(s) and mailbox.
2. Post your new number within the next 30 days – see specific instructions for this below (#2),
3. Go to the DMV in person to change the address on your driver's license within 30 days of receiving this letter. One form changes the address for your driver's license and all registrations. The DMV will provide, for no fee, a sticker to adhere to your driver's license and you will write the new address on your registrations. If you prefer, the DMV will issue new documents for \$17.50, but they are not necessary.
4. While you are at the DMV you will also need to ask for, fill out and sign the Voter Registration Change of Address Form. You will leave it with the DMV and they will send it to the Board of Elections.
5. Change your address with all those who send you items in the mail (businesses, relatives, friends, magazines, and so on). You have 1-year to update your address with all those who use it – after that the US Postal Service will only recognize your new address and will no longer deliver mail addressed with any of your old addresses, so don't forget anybody!,

You do NOT need to:

1. Notify the US Post Office of your new address – we have taken care of that for you,
2. Notify the 911 Emergency Services of your new address – we have taken care of that for you,
3. Change the address on your deed, it will be updated at the time you transfer/sell your property,

Since West Lake Road and the private roads between it and the lake are "lake roads," these roads have been renumbered using an updated version of the old "lake numbers" system. The new lake numbers, or "1000 numbers per mile" system, identifies the approximate distance from the main intersection in Branchport to your house along the road or along the lakeshore. For example, a house with the number 1127 is approximately 1.1 miles from the intersection. Additionally if you had an old lake number, it was probably 112, the same first 3 digits. These two characteristics should help as everybody gets use to the new numbering. Non-lake roads in Jerusalem are numbered using the fire code 4-digit grid.

Addresses are assigned to your property for a variety of reasons: so Town Hall can keep track of the properties in our town, your house can be easily located by visitors, but most importantly, so the emergency services can find your house quickly when called! Think about how important it is for emergency services to arrive at your house without a moment of delay when they are critically needed. The new laws about posting your number are all about insuring this speedy arrival.

Here is a quick overview of the rules for posting your new number:

1. Every property with a building on it must have a number assigned by the Town and the assigned number must be posted so it can easily be seen from the road.
2. Your new number is to be posted within 30 days of receiving this notification.
3. The assigned street numbers will be displayed on the street front of principal building and near the entrance.
4. A street number is required at each entrance of a multi-family or multi-tenant building.
5. Arabic numerals shall be used (not letters to spell out)
6. The numerals shall be a color or finish that contrasts to the building/background color.
7. These numerals shall not be less than 4 inches (102 mm) in height, with minimum stroke of 0.5 inch (12.7 mm).
8. If the building is more than 75 feet from the road **or** the entrance(s) are not clearly visible from the road, the street number shall also be displayed at the road on the same side of the road as the building being numbered, within 15 feet of the driveway entrance to the property, and within 15 feet of the road on a two-sided sign that is clearly visible from both directions. This sign needs to be placed at a height to assure that it will not be blocked by bushes or snow.
9. Street numbers displayed at the road shall not be less than four (4) inches in height and displayed on a Hi Intensity grade reflective surface in a contrasting color.
10. This sign shall be attached to a tree, fence, or post. A mailbox post that is on the same side of the road and is within 15 feet of the driveway may be used. A mailbox post that is on the opposite side of the road and nearly directly opposite the driveway may be used. The number must be posted on both sides of the mailbox and satisfy (9) above. A mailbox post may not be used for posting the street number unless it is close to the driveway entrance as previously described.
11. Buildings using shared driveways and on private roads shall each display the assigned number on the building and additionally shall display a common sign at the **public** road near the private road entrance to the properties. This common sign shall list the name of the private road, the street numbers and last name of owners (optional) in accordance to the above.
12. Owners of lakeside property are also required to display the assigned street number on the lakeside of principal building following the code for location and size listed above. If the building is more than 75 feet from the water or its entrance(s) are not clearly visible from the water, the street number is to be displayed near the water entrance to the property and clearly visible from the water. The numbers may be displayed on a permanent dock or on a permanent sign within 15 feet of the water and otherwise in accordance to the above code.

INFORMATIONAL NOTE 1: Mailboxes are located for the convenience of mail delivery and are not located for the primary purpose of property identification. Therefore they are not reliable property identifiers as they may be on the wrong side of road or in some other location not adjacent to the entrance to the property. In an emergency, especially on a dark rainy night, it is not obvious which mailboxes are and which mailboxes are not adjacent to property.

INFORMATIONAL NOTE 2: US Postal regulation: For mailboxes, the numbers are to be of contrasting color in neat numerals on the side of the box visible to the carrier's regular approach, or on the door if boxes are grouped. Additionally, mailboxes for residents of a private road shall be located along the public road near the intersection formed by the private road with the public road. All of these mailboxes shall be on one rack and labeled with street number and street name in accordance to the above code.

We thank you in advance for assisting us as we correct the many addressing issues that have plagued Jerusalem for a long time.

May we be a safer community,

Jerusalem Town Board

Daryl H. Jones
Town Supervisor

More details are available online at <http://www.jerusalem-ny.org/>. To find the complete resolutions, start at the top, select Calendar; on the dropdown, select Town Meeting Minutes; at the bottom of the page select Town Board Meeting Minutes and the year; then select the date of the board meeting you want and a PDF file will open.

Now, therefore, be it resolved that the Supervisor be authorized to sign and send the above letter as presented.

SPECIAL MEETING WITH BUDGET OFFICER

Councilperson Parson stated he and Councilperson Simmons are scheduling a meeting with Budget Officer Susan Close to get her ideas and plans on the 2011 budget and extended an invitation to any other interested parties to attend.

Note: The meeting was held March 4, 2010.

RESOLUTION #49-10

ELECTRONICS RECYCLING

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

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

Resolved the proposal from Regional Computer Recycling & Recovery be accepted to recycle various excess computer components at the Town Hall in an amount not to exceed \$75.00.

RESOLUTION #50-10

KPSW TRAINING

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

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

Whereas New York Rural Water Association is hosting the 31st Annual Technical Conference & Exhibition 2010, Monday, May 24, 2010 through Thursday, May 27, 2010, at the Turning Stone Resort in Verona, New York; and

Whereas the cost of a pre-paid, pre-registered 2010 New York Rural Water Member, for Tuesday, May 25 - Wednesday, May 26, is \$510.00/person; and

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

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

Therefore be it resolved the attendance of one (1) person from the Water / Sewer Department be authorized to attend the New York Rural Water Association's 31st Annual Technical Conference & Exhibition 2010 at a cost of \$510.00.

ASSESSMENT

Resident Bruce Lyons expressed concern over his property assessment and problems he encountered with the Assessor. Mr. Lyons will provide written documentation on the matter to the Board.

RESOLUTION #51-10

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to go into Executive Session to discuss pending litigation with Penn Yan.

The Executive Session convened at 9:28 P.M.

RESOLUTION #52-10

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:28 P.M.

RESOLUTION #53-10

MOVE TO EXECUTIVE SESSION

On a motion of Councilperson Parson, seconded by Councilperson Simmons, the following was

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

Resolved that this meeting be interrupted to go into Executive Session to discuss personnel.

The Executive Session convened at 10:29 P.M.

RESOLUTION #54-10

NOTE TO FILE

On a motion of Councilperson Parson, seconded by Councilperson Folts, the following was

ADOPTED	Ayes	3	Folts, Parson, Simmons
	Nays	2	Jones, Stewart

Resolved that the Supervisor be instructed to put a note in Gary Dinehart's file for inappropriate behavior at the Keuka Park Sewer & Water Committee meeting when keys were turned in and he refused to be on-call after hours.

RESOLUTION #55-10

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:54 P.M.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Stewart, the meeting was adjourned at 10:55 P.M.

Sheila McMichael, Town Clerk