

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 18, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Town Clerk McMichael, Town Engineer Ackart.

GUESTS: Carolanne Marquis and Jerry Hiller of Keuka College, Heidi A. Bauer, Taylor Fitch, Bob Evans, Tom Close, Art Adams, Jim Fitzgibbons, Carol Fitzgibbons, D. Scott Demmin and several other unidentified guests.

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

RESOLUTION #135-10

APPROVAL OF MINUTES

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

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

Whereas at the July 21, 2010 Town Board meeting, Councilperson Simmons and Town Engineer Ackart discussed the status of the Keuka College contract under the Town Engineer Report; and

Whereas Councilperson Parson offered Resolution #132-10 appointing Attilio Carcone to the Planning Board; now, therefore, be it

Resolved that the minutes of the July 21, 2010 meeting be approved with the addition and correction as stated above.

RESOLUTION #136-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 13, 2010 public hearing and special meeting on the New York State Community Development Block Grant (NYS CDBG) be approved as read.

RESOLUTION #137-10

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 27, 2010 special meeting be approved as read.

RESOLUTION #138-10

AUDIT OF CLAIMS

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

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

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

General:		\$ 12,399.69
Highway DA:		\$ 2,511.16
Highway DB:		\$113,155.15
Sewer:		\$ 77,846.87
Water:		\$ 5,170.11
Branchport Light:		\$ 313.28
July utilities:	General:	\$ 3,405.23
	Branchport Light:	\$ 308.53
	Sewer:	\$28,563.32
	Water:	\$ 258.98
	Trust:	\$42,941.68

RESOLUTION #139-10

SUPERVISOR REPORT

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

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

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

PRESENTATION - KEUKA COLLEGE - USDA FINANCING APPLICATION

Supervisor Jones read a prepared statement regarding tonight's presentation by Keuka College representatives as required by their loan application to fund various projects at the College. He introduced Carolanne Marquis, Chief Operating Officer & Executive VP, and Jerry Hiller, VP Finance & Administration. A fact sheet on the College including a summary, their service to the Community and on-campus opportunities for the Community at the College was distributed.

Ms. Marquis presented the following material:

Keuka College has applied for \$5 million in USDA Rural Development Administration loans to assist the college in the financing of several projects on campus. This \$5 million loan request is divided into four separate application packages:

- A. \$2 million loan for the financing the college's new ERP operating computer software and related hardware. The college's existing software is rapidly becoming obsolete and expensive to maintain, and does not provide the operational platforms (e.g. web based systems) now in use. The new ERP system is more cost effective, efficient for prospective students and allows us to incorporate all the advantages of new emerging technology for the foreseeable future.
- B. \$2 million loan for energy related improvements on campus. These improvements will reduce the college's energy bill, consumption of energy (both electricity and natural gas) and emissions from the central plant boilers. In addition, it will enhance the building occupant's comfort, as we provide a more responsive environment.
- C. \$700,000 loan for renovation to the Weed gym, including a new roof, handicapped bathrooms and improved access and the installation of an auxiliary gym. The gym was built in 1972 and is in need of these much needed renovations. When it was built, it was designed for the needs of a smaller, all-female student body; we are now much larger, are coed and the Weed is used by numerous constituencies throughout the year. The present configuration no longer serves the college's needs.
- D. \$300,000 loan for the upgrades of the student bathrooms in student housing, primarily in Space, Saunders and Davis Halls. Included will be modern low water flush toilets that will also save on water consumption.

In closing, Ms. Marquis stated the College feels these projects are important to ensure their ability to attract new students, be competitive, grow and flourish.

Mr. Hiller responded to various questions related to the energy saving measures being undertaken including replacing the boiler system, climate control, windows, heating, insulation, lighting, and reducing water consumption. Part of the loan request includes funding for further engineering work to be done. The preliminary scoping of the energy related improvements has been done, but the design engineer on the project details has not been retained yet. The goal is to make the College campus more energy efficient and green.

REPORT OF TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written report on file in the Office of the Town Clerk.
- Five Star Equipment is providing an opportunity for the Town to exchange the 2009 624K Loader with a 2010 or newer 624K Loader

minus the bucket, plus a charge of \$5.00 per hour based on the actual hours on the 2009 machine.

RESOLUTION #140-10  
2010 BUDGET AMENDMENT

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

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

Whereas, the 2010 Highway DB budget reflects revenue of \$ 199,874.00 from CHIPS; and

Whereas, the actual amount of CHIPS monies received were \$200,608.12; now, therefore, be it

Resolved that the 2010 Highway DB budget be amended as follows:

Revenue 3501- (State Aid CHIPS) increased \$ 734.12  
Expenditure 5112.4- (Permanent Improvement Contractual)  
increased \$734.12

RESOLUTION #141-10  
2010 BUDGET AMENDMENT

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

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

Whereas, the 2010 Recreation program allocates \$ 2,500 towards expenses within the general fund; and

Whereas, the Jerusalem Republican Committee donated \$ 450.00 towards the Recreation program; now, therefore, be it

Resolved that the 2010 General Fund be amended as follows:

Expenditure 7310.4- (Recreation Contractual) increased \$450.00

TOWN ENGINEER

- Town Engineer Ackart provided a chronologic contractual review at the August 12<sup>th</sup> joint meeting with the Village of Penn Yan. It was agreed a small committee would be established by Supervisor Jones and Mayor Church, including the two engineers to come to an agreement regarding the interpretation/ understanding of the contract terms.
- A meeting will be held tomorrow with Village and Pulteney representatives to coordinate our water operations.
- 2011 budget work is underway. The Board was reminded the KPSW budget process is time sensitive.

- Town Engineer Ackart stated Town Attorney Bailey informed us our existing Town Code does not allow us to provide municipal services to Keuka College by contract. Our financial advisor was to assist us with this project, but was diverted to other projects so this matter remains unresolved. The KPSW Committee discussed this at their 8/10 meeting.
- DEC and DOH are assisting the Town on the reported sewage leak on West Lake Road, Penn Yan. Contractor Roger Ribble is also working with the Town on this matter.
- A complete set of minutes are now written for KPSW Committee meetings.
- In response to a query from Councilperson Simmons, Ackart stated KWIC has allowed the Branchport School septic to be used as a holding tank with a defined occupancy.

#### COUNCIL

The Jerusalem Open Space and Renewable Energy Committee, in partnership with the Cornell Cooperative Extension (CCE) of Yates County, will present a workshop, "Bringing Renewable Energy Home" on August 28<sup>th</sup>. Industrial wind power will not be part of the presentation, only private residential and agricultural. Councilperson Stewart recognized Meg Fenton, CCE Sustainable Agriculture Educator for her efforts organizing this program.

#### RESOLUTION #142-10

##### RENEWABLE ENERGY SEMINAR CEU

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

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

Resolved that three (3) continuing education unit credits be given for participants in the August 28, 2010 "Bringing Renewable Energy Home" workshop.

#### ASSESSMENT COMMITTEE

The Town is working with Assessor Alan Comstock to determine his employment status given New York State Retirement System's notice to the Town that he retired effective August 1, 2010. Assessor Comstock made an inquiry to the Retirement System, but it was not his intent to retire. He has not submitted a resignation/retirement letter to the Town Clerk as required under Public Official's law. Numerous issues remain unresolved.

Assessor Comstock took vacation August 1-15, and is currently coming to the office limited hours. A taxpayer stated we have an individual and a position, but asked who is doing the job? ZAP Clerk Nesbit assists the Assessor. Town Attorney Bailey has contacted State Retirement, but has not received any answers to

date. As a member of the Assessor Committee, Councilperson Simmons stated the Town Clerk, Supervisor and Town Attorney can report on this matter at the September meeting.

RESOLUTION #143-10

ASSESSOR MEDICAL & DENTAL INSURANCE

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

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

Whereas the duly elected Sole Assessor intends to retire his position at the Town of Jerusalem; and

Whereas the Assessor is covered under the Town's medical and dental insurance policies through August 31, 2010; now, therefore, be it

Resolved that the Assessor be allowed to remain on the Town's medical and dental insurance policies through December 31, 2010; and be it further,

Resolved that the Assessor pay the full premium for insurance coverage per Section 808 Medical Insurance for Retirees as stated in the Town of Jerusalem Employee Handbook.

NOTE: Supervisor Jones stated the resolution was premature and abstained because Attorney Bailey had not received a response from the State Retirement System.

RESOLUTION #144-10

ESTABLISH WORK HOURS FOR THE ASSESSOR

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 Assessor be authorized to work up to 8 hours/week at an hourly rate of \$18.00; and be it further

Resolved that the hours worked be submitted on a monthly voucher for Town Board approval; and, be it further

Resolved that the 2010 Assessor budget be amended by moving \$2,000 from 1355.1 to 1355.4 to cover this expense; and be it further

Resolved that this arrangement is contingent upon receipt of a resignation letter from the Assessor.

SUMMER RECREATION COMMITTEE

Recreation Program Director Bev Eggleston and Recreation Leader Brenda Austin will present on the 2010 program at the September meeting.

RESOLUTION #145-10

SUMMER RECREATION PROGRAM CAMERA REIMBURSEMENT

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

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

Whereas Recreation Program Director Bev Eggleston utilizes her personal camera to document and share numerous activities at the Summer Program; and

Whereas her camera was damaged by a participant during the 2010 program; now, therefore, be it

Resolved that the Town reimburse Recreation Program Director Bev Eggleston \$100 toward the purchase of a new camera.

ADDRESSING CONCERNS

The Town Board has received several comments and letters with questions and issues related to the address changes. A lengthy discussion ensued following comments received from meeting attendees, Claudia Rossett and Tim Wilson, 12099 East Bluff Drive. Despite the Town's intent to inform the community as this project evolved, many issues and concerns have been raised. While Ms. Rossett and Mr. Wilson do not want the Town to have to redo all the addresses, they did ask consideration be given to change their address to something like 12111 which will still be within the measured area of their parking area.

While placing the addressing proposal on the Town website was helpful, it is a very lengthy document for the community to read. Ms. Rossett volunteered her services to assist the Town on future projects. She will provide a bulleted summary to post on the website that will keep the public better informed and engaged as the Town proceeds.

COUNCIL (cont'd.)

- Councilperson Parson reported the cost of Clean-Up Day was \$722.29; \$1,595.89 expenses and \$873.60 revenue.
- The Planning Board continues to work on the Harborview townhouse project.
- The Zoning Board tabled the McCarthy application to allow referral to the Yates County Planning Board.

SUPERVISOR

The 2011 Budget workshop was set for August 26<sup>th</sup> at 5:00 P.M. Supervisor Jones will send a letter to Jud's Nursery thanking them for completion of their annual clean up of the Town Hall and their continued support of the Town.

SUBCOMMITTEE REPORTS

AGRICULTURAL-RESIDENTIAL ZONING SUBCOMMITTEE

No substantial progress to report. The next meeting is August 23.

YATES COUNTY MARCELLUS SHALE TASK FORCE

No report.

TABLE FLAG PURCHASE - HAMLET BEAUTIFICATION

Installation of flags in the Hamlet of Branchport has been tabled pending discussions with the utility company.

RESOLUTION #146-10

PURCHASE KPSW TRAILER

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

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

Whereas funds to purchase a water and sewer truck were approved in the account 8310.2 and the 8120.2 of the 2010 water and sewer budget;

Whereas the water and sewer department has requested to purchase the trailer in place of the water and sewer truck;

Whereas; the water and sewer department has received a quote for the Atlas Trailer in the amount of \$5,281.00;

Therefore be it resolved that the trailer be purchased by the water and sewer department and half the expense \$2640.50 be paid by 8310.2 and the other half \$2640.50 be funded by 8120.2.

RESOLUTION #147-10

SCHEDULE PUBLIC HEARING - UNSAFE BUILDINGS

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

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

Whereas the Code Enforcement Officer filed a report in writing with the Town Board containing his findings and recommendations regarding certain single family dwellings situate on premises at 3884 Italy Hill Road, Branchport, NY designated by Tax Map No.



83.03-1-5 reputedly owned by Dana Keeler and 2958 Rte. 54A, Bluff Point, NY designated by Tax Map No. 72.74-1-7 reputedly owned by Kathy Yells stating his opinion that said structures are unsafe and dangerous to the public and recommends immediate removal or repair; now, therefore, be it

Resolved that a public hearing will be held by the Town Board of the Town of Jerusalem on the 15th day of September, 2010 at 7:00 PM at the Town Hall, 3816 Italy Hill Road, Branchport, NY; and, be it further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

Supervisor Jones felt the hearing should not be held during the monthly Town Board meeting.

**NOTE:** Ms. Yells contacted the Code Enforcement Officer on August 25, 2010 to address this situation, thereby eliminating the need for the public hearing on 2958 Rte. 54A at this time.

#### PUBLIC CONCERN

Heidi Bauer, Branchport addressed the Board concerning problems she has with the Code Enforcement Officer. She provided four examples of what she deems to be arbitrary/incorrect interpretations of the Town Zoning Ordinance; the trailer next door to her house, Keuka Manor, Esperanza Rose, and the meadow behind her barn which she feels is not in violation of the ordinance. The Code Enforcement Officer issued her a property maintenance violation notice on August 9, 2010 for her overgrown lawn. She stated she does not believe in excessive mowing due to her proximity to the Lake, run off, water quality and fossil fuel emissions.

Because her matter is presently with the Court, the Town Board questioned what they could do for her. Permits have been issued by the Town for the Esperanza Rose and the Keuka Manor. The Town Board does not have jurisdiction over the operation of the Esperanza on the Lake.

With there being no further business, on a motion of Councilperson Simmons, seconded by Councilperson Parson, the meeting was adjourned at 9:12 P.M.

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Sheila McMichael, Town Clerk