

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 19, 2012 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Acting Highway Superintendent Martin, Town Clerk McMichael, Town Engineer Ackart.

GUESTS: Fred Thomas, D. Scott Demmin, Jim Crevelling, Glenn Herbert, Art Carcone, David Specksgoor; *Dundee Observer* Reporter, John Christensen; *Chronicle Express* Reporter and several other unidentified guests.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:02 P.M.

RESOLUTION #205-12
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 14, 2012 meeting be approved as read.

RESOLUTION #206-12
AUDIT OF CLAIMS

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

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

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

General:	\$15,001.43
Outside Village	\$12,406.72
Highway DB:	\$49,543.71
Sewer:	\$ 1,763.06
Water:	\$ 2,287.36
B'port Light:	\$ 258.57

November Utilities:

General:	\$ 767.08
Outside Village:	\$ 32.47
Sewer:	\$36,797.20
Water:	\$ 713.21
Debt Service:	\$47,012.50

RESOLUTION #207-12
SUPERVISOR REPORT

On a motion of Councilor Folts, seconded by Councilor Parson, the

following was

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

Resolved that the Supervisor's Report on the Town's finances for the month of November 2012 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The 2004 Chevy HD 4-wheel Drive pick-up truck and 9' western pro plus snow plow sold for \$11,100 and two sets of used tires for \$236. A reserve was set at \$9,000 by Resolution #192-12.

TOWN ENGINEER

- Written report on file in the Office of the Town Clerk.
- The New York State Health Department conducted a routine inspection of the Water System serving the District on November 28, 2012.

COUNCIL

- Planning Board member Bill Pringle submitted his letter of resignation as of December 31, 2012. The Board stated their appreciation for Mr. Pringle's years of service.
- Minutes are available two weeks after a meeting is held.
- The retirement party for past Highway Superintendent Bob Payne was well attended. A holiday luncheon will be held tomorrow for the office and highway staff.
- New York State Ag and Markets is currently reviewing our proposed Local Law I-2012 Right to Farm local law.

RESOLUTION #208-12

2013 BUDGET MODIFICATION - DATA COLLECTOR

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

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

Resolved the 2013 General A fund budget be modified as follows:

Contingent code (1990.4) be reduced \$1,200.00

Assessor code (1355) be increased \$1,200.00

To cover expenses related to a Keuka College assisting with data collection during their field period.

SUPERVISOR

Supervisor Jones presented the following 2012 Budget Modifications:
General

From 1990.4 Contingent Account	\$15,875.00	
To 1420.4 Attorney	\$15,875.00	
		Hodgson Russ Attorney (\$20,089.50) to date
From 9060.8 Excellus	\$3,644.86	
To 1010.1 Town Board	\$1,500.00	Medical Buy-out
To 9050.4 Unemployment	\$2,144.86	2 Recreation Employees
From 1910.4 Insurance	\$ 752.82	
To 1355.4 Assessor	\$ 561.97	Farash Lawsuit
To 5010.4 Highway Super	\$ 190.85	Training - Finance School

Highway DA

From 5110.4 General Repair	\$ 736.23	
To 5130.1 Machinery.	\$ 683.92	Year end 2011 hours paid the first 2012 pay day
To 9030.8 SS/Med	\$ 52.31	Year end 2011 hours paid the first 2012 pay day

General Outside Village

From 8010.2 Code Equipment	\$ 772.86	
To 8020.1 Planning Secretary.	\$ 772.86	Committee work, did not budget adequate hours

As of 12/17/12, the Planning Board code 8020.4 is overspent by \$6,514.85 due to the use of professional services. We have the reimbursement of fees law, which will cover the excessiveness in this account. In the future, the procedure as outlined must be followed from the beginning of a project, especially establishing an escrow account. This would deter overspending. Account detail will be shared with the Planning and Zoning Boards quarterly.

RESOLUTION #209-12

APPOINTMENT - MEDIUM EQUIPMENT OPERATOR (MEO) HIGHWAY DEPARTMENT

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

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

Whereas, a vacancy exists within the Highway Department for a full-time Medium Equipment Operator (MEO); and

Whereas, there are funds available within the 2012 Highway DB budget due to such vacancy; and

Whereas, the Acting Highway Superintendent advertised for and has interviewed applicants for said position; now therefore

BE IT RESOLVED that Robert Ayers be appointed MEO to begin employment December 20, 2012 at \$14.50 per hour.

RESOLUTION #210-12

APPOINTMENT - WATER/WASTEWATER MAINTAINER (TRAINEE) KEUKA PARK
WATER & SEWER DEPARTMENT

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

ADOPTED Ayes 4 Folts, Jones, Killen, Steppe
Nays 1 Parson

Whereas the duly adopted Town of Jerusalem 2013 Water and Sewer Budgets provide for the hiring of a third Water/Sewer Maintainer (Trainee) ;

And Whereas the Yates County Personnel Department provided a Certified List of 10 Eligible candidates for said Position to Supervisor Jones on December 12, 2012;

And Whereas the Water and Sewer Sub-Committee selected 4 candidates from said List for interview for said Position;

And Whereas the Interview Team of Ray Stewart, Mike Steppe, Gary Dinehart and Wayne Ackart interviewed the 4 candidates so selected on 12/11/2012;

And Whereas, the Interview Team unanimously agreed that the most qualified candidate for said Position is Lee Hardy;

Now therefore be it resolved that the position of Water/Wastewater Maintainer (trainee) be offered to Lee Hardy, with employment commencing February 01, 2013, said employment being contingent upon Lee Hardy passing the necessary physical exam for Town employment, and the satisfaction of any other normal legal and procedural requirements for the hiring of new Town employee.

RESOLUTION #211-12

DESIGNATION OF WATER OPERATOR IN RESPONSIBLE CHARGE

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

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

Whereas; the New York State Health Department conducted a routine inspection of the Water System serving the District on November 28, 2012;

Whereas; the State Health Department is recommending to the Jerusalem Town Board that they designate and additional Grade B or C and Grade D Water Operator in Responsible Charge for the Keuka Park Water District;

Whereas; the State Sanitary Code (SSC) Subpart 5-4 Section 5-4.2(a) requires the owners of all community water supplies to place the distribution system under the responsible charge of a certified operation(s) with the appropriate grade;

Whereas; Gary Dinehart has a Grade C and D and is the only designated operator responsible in charge of the Keuka Park Water Distribution system;

Whereas; currently if Mr. Dinehart is not available to make operational decisions, the system would be in violation of the SSC;

Whereas; Paul Enos is a Class IIB distribution operator;

Whereas; the New York State Health Department is requiring a written response to the items on their report by 12/31/12;

Therefore be it resolved that the Town Supervisor be authorized to sign the necessary paperwork designating Paul Enos as an additional Water Operator in Responsible Charge for the Keuka Park Water Department.

RESOLUTION #212-12

APPOINTMENT - PLANNING BOARD MEMBER

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

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

Resolved that David Owens be appointed to the Planning Board to fill the unexpired term of Mary Coriale through 12/13/2014.

RESOLUTION #213-12

APPOINTMENT - PLANNING BOARD SECRETARY FOR A THREE MONTH

PROVISIONAL PERIOD

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe

Nays 0

WHEREAS, the Town Board of the Town of Jerusalem has received and accepted the resignation of Carol Goebel requiring hiring of a new secretary for the Planning Board.

WHEREAS, Christine Andrews has submitted a resume and expressed her interest in the position.

WHEREAS, the designated subcommittee of Town Board Members Mike Steppe and Patrick Killen, along with Planning Board Chairman Ron Rubin have interviewed Christine Andrews and reviewed her credentials finding her qualified for the position.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem that Christine Andrews be hired provisionally as Planning Board Secretary, Such provisional period to begin on the approval of this resolution and be effective until the 20th of March, 2013 where a decision will be made whether to make the provisional hiring permanent, Further that the pay rate shall established at \$10.50 per hour for the period of provisional appointment.

RESOLUTION #214-12
APPOINT FULL-TIME ASSESSOR

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

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

WHEREAS by Resolution 164-12 the position of Assessor was changed from part-time to full-time and established the salary at \$47,000.00 per year; and

WHEREAS said Resolution is to take effect on January 1, 2013; and

WHEREAS, by New York State law, the term of office of an assessor is for six years ending on September 30, 2013 and every six years thereafter; and

WHEREAS, the position of Assessor, being appointed and not elected, is governed by the Employee Handbook of the Town of Jerusalem; and

WHEREAS, the Employee Handbook provides in Section 501 that departmental hours are determined by the department head, and the Town Board acts as department head for the assessor; and

WHEREAS Vernon Brand presently holds the part-time position of Assessor, now therefore be it

RESOLVED that Vernon Brand continue in the position of Assessor for the Town of Jerusalem with full-time duties commencing January 1, 2013 and ending on September 30, 2013; and be it further

RESOLVED that the hours of work for the full-time Assessor shall be 40 hours per week; and be it further

RESOLVED that any other matters relating to the terms and conditions of employment and supervision of the assessor that would normally be the function of a department head are hereby delegated to the Supervisor until further resolution of this board.

RESOLUTION #215-12

TEMPORARY COVERAGE FOR CODE ENFORCEMENT OFFICER

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

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

WHEREAS THE CODE ENFORCEMENT OFFICER WILL BE UNAVAILABLE DURING MEDICAL LEAVE AS OF JANUARY 2, 2013; AND

WHEREAS THE TOWN OF JERUSALEM WILL HAVE AN OCCASIONAL NEED FOR A CODE ENFORCEMENT OFFICER DURING HIS ABSENCE;

NOW, THEREFORE BE IT RESOLVED THAT SIXTEEN HUNDRED DOLLARS BE ALLOCATED AT A RATE OF TWENTY DOLLARS AN HOUR FOR THE SERVICES OF ART CARCONE DURING SAID MEDICAL LEAVE; AND

BE IT RESOLVED THAT THESE SERVICES WILL BE ON AN AS NEEDED BASIS TO BE DETERMINED BY THE ZAP CLERK (ELAINE NESBIT).

RESOLUTION #216-12

VACATION REQUEST

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

DEFEATED Ayes 2 Jones, Killen
Nays 2 Parson, Steppe
Abstain 1 Folts

Resolved Paul Enos be granted an additional five (5) vacation days as requested to reflect his years of service when he was hired

part-time in September 1997 until he became full-time in October 2001 due to other part-time employees being granted similar requests.

RESOLUTION #217-12

AUTHORIZE SUPERVISOR TO SIGN TEAMSTERS UNION CONTRACT

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

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

Resolved the Supervisor be authorized to sign the Agreement By and Between the Town of Jerusalem and Teamsters Local 118, International Brotherhood of Teamsters commencing January 1, 2013 - December 31, 2014 as drafted by Attorney David Lippitt.

RESOLUTION #218-12

AUTHORIZE SUPERVISOR TO SIGN LARSON DESIGN GROUP CONTRACT

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

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

Resolved the Supervisor be authorized to sign the Agreement effective 1/1/13 between the Town of Jerusalem and LDG Engineers and Architects, P.C. (dba Larson Design Group) 2013-2014 Retainer for Consulting Services; and, be it further

Resolved consulting engineering services will be put out for bid in 2014.

RESOLUTION #219-12

APPROVAL OF CODE ENFORCEMENT TRAINING

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

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

Resolved to authorize the attendance of Code Enforcement Officer John Phillips to the Finger Lakes Building Officials Association, Inc. 2013 Educational Conference scheduled for March 18-21, 2013 at a cost of \$758.00.

2013 ORGANIZATIONAL MEETING

The 2013 Organizational Meeting is scheduled for Wednesday, January 9, 2013 at 5:00 P.M.

INTRODUCTION OF PROPOSED LOCAL LAW H-2012 TO CREATE ROUTE 54A
SCENIC OVERLAY DISTRICT

Councilor Steppe introduced proposed Local Law H-2012 entitled "Amendment to the Town Zoning Ordinance to Create the Route 54-A Scenic Overlay District", a copy of which was given to the Town Clerk for filing in her office, and moved that the Town Engineer be directed to prepare an Environmental Assessment Form pertaining to the same, that the Town Clerk be directed to file the appropriate request for review with the Yates County Planning Board including all documents required by law, that a Public Hearing on Local Law H-2012 be held at the regular meeting of this board on January 16, 2013, and that the clerk be directed to advertise the public hearing in accordance with law. So Ordered.

RESOLUTION #220-12

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW H-2012 TO CREATE ROUTE
54A SCENIC OVERLAY DISTRICT

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

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

Resolved that a Public Hearing be held at the January 16, 2013 Town Board meeting at 7:05 P.M. on proposed Local Law H-2012 creating the Route 54A scenic overlay district.

PROPOSED LOCAL LAW B-2012 FENCE REGULATIONS

Will be placed on the January 16, 2013 agenda.

RESOLUTION #221-12

SEQR DETERMINATION - PROPOSED LOCAL LAW F-2012 LOT COVERAGE

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

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

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the revision of zoning to adopt uniform language in the various districts as to maximum building coverage, it has considered the action, reviewed the short environmental assessment form and determined the adoption will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; now, therefore, be it

Resolved that a negative declaration be prepared and the Town Board authorizes the Supervisor to sign the negative declaration

(determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7.

DISCUSSION - LOCAL LAW NO. F of 2012 LOT COVERAGE

A lengthy discussion ensued related to the Town land use regulations becoming overly restrictive if the proposed local law is enacted.

RESOLUTION #222-12

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. F of 2012 LOT COVERAGE

Supervisor Jones made the motion to adopt proposed Local Law F of 2012 amending the zoning to provide uniform language in various districts as to maximum building coverage.

There was no second to the motion.

RESOLUTION #223-12

APPROVAL OF ASSESSOR TRAINING

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

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

Resolved to authorize Assessor Vernon Brand to attend Ethics and the Assessor scheduled for January 18, 2013 at a cost of \$130.00.

With there being no further business, on a motion of Councilor Folts, seconded by Councilor Killen, the meeting was adjourned at 9:00 P.M.

Sheila McMichael, Town Clerk