

Minutes of the regular monthly meeting of the Jerusalem Town Board held on May 15, 2013 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Nicole Landers, Andrew Landers, Larry Lewis, Matt Lewis, Art Carcone, Donna Gridley, John Phillips, Elaine Nesbit, John Christensen; *Chronicle Express* Reporter

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

RESOLUTION #81-13

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Parson, Steppe
	Nays	0	
	Abstain	1	Killen

Resolved that the minutes of the April 17, 2013 meeting be approved as read.

RESOLUTION #82-13

AUDIT OF CLAIMS

On a motion of Councilor Folts, seconded by Councilor Killen, 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:	\$ 8,581.86
Outside Village	\$ 377.49
Highway DB:	\$ 7,380.24
Sewer:	\$ 60,184.25
Water:	\$105,922.80
Branchport Light	\$ 253.18

April Utilities/Debt Payments:

General:	\$ 1,539.13
Outside Village:	\$ 97.03
Highway DB:	\$ 703.65
Sewer:	\$ 458.47
Water:	\$ 374.54
Trust:	\$34,773.27

RESOLUTION #83-13

SUPERVISOR REPORT

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 the Supervisor's Report on the Town's finances for the month of April 2013 be accepted as presented.

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:05 P.M., asking for comments on proposed Local Law I-2012 Right to Farm.

Subcommittee Chair Donna Gridley presented an overview on the proposed local and thanked the Board for considering adoption of the proposed law, noting our Comprehensive Plan states we will support our farming industry. An excerpt from the Yates County Agricultural and Farmland Protection Board Action Plan encouraging right to farm laws for all Yates County towns was distributed.

Larry Lewis supports the proposed local law. He recommended the Town consider changing the title to Farm Viability and Neighbor Relations Policy to encompass more of what the intent of the law is.

Councilor Parson supports the wording change from arbitration to mediation as recommended by Town Attorney Bailey.

Nicole Landers supports the proposed law.

Supervisor Jones questioned the proposed law does not include a provision like the County's law whereby the involved parties bear the cost of the process. A lengthy discussion ensued on how to protect the Town while encouraging use of the mediation committee with comments by Donna Gridley, Councilor Folts, Larry Lewis, Councilor Killen, Joe DeGeorge, Art Carcone, Councilor Steppe, Matt Lewis and Eileen Farnan.

John Phillips and Elaine Nesbit requested the Town Board establish a set escrow amount for this law versus the Code Enforcement Officer arbitrarily establishing an escrow amount.

Nicole Landers stated Section V.C.2. suggests someone from Cornell with expertise in the field of the dispute be on the Dispute Resolution Committee. If this is referring to Cornell Cooperative Extension, it needs to be clarified or eliminated because their mission is education. They do not provide mediation or legally binding advice.

There is a typo in Section VI. Notification to Real Estate Buyers. Attorney Bailey proposed rewording for an expense clause in Section V.5.

The three proposed changes are minor and do not warrant another public hearing.

The public hearing was left open.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Dust oiling will be done on East and West Bluff Drive beginning June 10<sup>th</sup>.

RESOLUTION #84-13

DECLARE SURPLUS EQUIPMENT - 2003 NEW HOLLAND TRACTOR

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

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

Resolved the 2003 New Holland Tractor with Alamo Side and Rear Flail mowers be declared as surplus equipment and the Highway Superintendent be authorized to trade said equipment towards the purchase of a new tractor and mower.

RESOLUTION #85-13

AUTHORIZE TRACTOR PURCHASE

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 Highway Superintendent has after advertising in the Town's official newspaper, received bids from:

	<u>PRICE</u>	<u>TRADE IN</u>	<u>TOTAL</u> <u>specifications</u> <u>w/ TRADE</u>	<u>MEETS</u> <u>YES</u>	<u>NO</u>
Tracey Road Equipment (JD)	\$91,936.00	\$18,000.00	\$73,936.00		X
Empire Tractor (Kubota)	\$88,500.00	\$12,000.00	\$76,500.00		X
Empire Tractor: New Holland	\$92,600.00	\$12,000.00	\$80,600.00		X
O'Hara Machinery (JD)	\$90,821.00	\$7,500.00	\$83,321.00	X	
Lakeland Equipment (JD)	\$82,829.29	\$15,000.00	\$67,829.29	X	

Whereas the Town's Highway Superintendent, Town's Mechanic, and a member of the Town's Highway committee have reviewed all of the bid quotes, and have determined the John Deere 5100M tractor with Diamond side and rear flail mowers from Lakeland Equipment in Hall, NY best meets the specifications and needs for the Highway

Department.

Now, therefore, be it resolved the Town Board authorize the Highway Superintendent to trade in the 2003 New Holland tractor with Alamo mowers in the amount of \$15,000.00; and be it further

Resolved by Town Board of the Town of Jerusalem that the Highway Superintendent is hereby authorized to purchase one new and unused tractor and mower with trade from Lakeland Equipment in the amount not to exceed \$67,829.29; and be it further

Resolved the proceeds for this purchase shall be taken from Highway 2013 appropriation, Machinery Account DB5130.2

\*(NOTE: Lakeland Equipment notified the Highway Superintendent of a clerical error reducing the lowest bid from \$79,890.94 to \$67,829.29.)

TOWN ENGINEER

- Town Engineer Ackart stated the mandated Annual Water Quality Report is being prepared for mailing to our customers.
- The State's Route 54A culvert replacement project is underway which includes moving a section of the Town's 12" water main that supplies the Town of Pulteney.

COUNCIL:

- Utilization of the time clock will return as outlined by Town Board resolution while documentation is gathered to determine if the time clock is being put to good use or not. Councilor Killen stated this has been under discussion by the Personnel Committee. Inconsistent application of the time clock has been noted. Comments from a recent staff survey on the use of the time clock were shared with the Board.
- Councilor Steppe received clarification from Elaine Nesbit, IT Liaison, on Managed Services' charges for computer services. Mrs. Nesbit noted while price comparison is an important factor, she feels the relationship we have built with Managed Services is invaluable and would remove herself as IT Liaison if our service provider changes.
- Councilor Parson thanked Joe DeGeorge for purchasing and the Highway Department for the placement of the American flags in Branchport.
- Town Clean Up Day is Saturday, June 29, 8:30 A.M. - 2:30 P.M.
- Councilor Parson requested the staff meeting be scheduled. The Personnel Committee is waiting for resolution of the time clock issue so this can be on the staff meeting agenda. Councilor

Parson offered to conduct an employee survey to determine the two top issues for the agenda.

- Replacement windows for the Town Hall need to be ordered. This project will resume in the fall due to the volunteers' prior commitments. The need to point the stone was again discussed.
- Code Enforcement Officer Phillips and Zoning, Assessing and Planning Clerk Nesbit presented information on the WAGsys computer program. They recommend the Board consider replacing the current TSL program with WAGsys so data can interface with the Assessor's RPSv4 program, allowing inter-departmental communication. Currently, double data entry is done because our programs are not compatible. BAS was also considered, but is more costly and does not have the capability to add pictures like WAGsys. Conversion from TSL is not necessarily needed right now as that data is on file to work with as a base. We can start now and go forward with WAGsys. Councilor Steppe noted they provide cloud-based platform solutions and offered to talk with WAGsys to obtain further detailed information for the Board to review.
- Councilor Killen and Code Enforcement Officer Phillips will determine where to place a pole to address the low hanging wire at the Town Hall.
- Councilor Folts reported the Zoning Board heard one area variance application. Zoning Board member Crevelling is working on the continuing education training outline as approved by Resolution #194-12.
- Town Court is requesting the ability to accept credit cards for the payment of fines. Supervisor Jones is in receipt of a business card from Heartland Payment Systems. Further information is needed on how transaction fees would be handled. Written information needs to be submitted for consideration by the Board.
- A Keuka Park resident called regarding the problem of cars parking on their lawns when events are held at Keuka College.

#### SUPERVISOR

- St. Michael's Bike the Bluff event will be held on June 15, 2013 from 8:00-11:00 A.M.
- KWIC issued eight summons and eight more will be issued on **past due violations**.
- The refinancing of water and sewer USDA Rural Development bonds will result in significant savings. Deputy Supervisor Stewart recognized the work done by Bookkeeper McKay on this process. A lot of information was required on short notice and done at the same time the new auditors were in.

RESOLUTION #86-13

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

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

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

Resolved that the Public Hearing be closed at 9:07 P.M. and that the Board return to the Regular Town Board meeting.

DISCUSSION - PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

Councilor Steppe noted he did not received an answer to his e-mail to the Committee containing comments in red regarding the unintended consequences of Section V of the proposed Right to Farm local law which brought about considerable discussion.

RESOLUTION #87-13

TABLE - PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

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

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

Resolved the Board table proposed Local Law I-2012 Right to Farm until the June 19, 2013 meeting so clarification of Section V can be provided.

SUBCOMMITTEE REPORTS:

NYSDOS GRANT - WATERFRONT REVITALIZATION GRANT SUBCOMMITTEE:

The NYSDOS Waterfront Revitalization Grant will meet May 29<sup>th</sup>. Bids have been submitted for consulting services.

CDB GRANT STEERING SUBCOMMITTEE:

The Community Development Block Grant Steering Subcommittee will meet May 28<sup>th</sup>. Further businesses will be contacted to determine their interest in a grant application as the minimum is \$50,000 and the current needs only total approximately \$30,000.

AGR/ZONING REVIEW SUBCOMMITTEE:

The AGR/Zoning Review Subcommittee will meeting May 20<sup>th</sup>.

PERSONNEL COMMITTEE:

The Personnel Committee has been reviewing our phone needs and identifying ways to lower our costs.

RESOLUTION #88-13

TOWN HALL PHONE SYSTEM UPGRADE

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

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

Whereas the current telephone service at Town of Jerusalem through Frontier costs \$9,620.52 annually; and

Whereas Verizon Wireless Business telephone service has quoted cost of a \$240 a one-time hardware purchase plus \$3600 annually; and

Whereas this could result in an annual savings of \$6000 for Town of Jerusalem for telephone service; and

Whereas Verizon has indicated there would be no cancellation fee if the Town decided not to continue service in the future; now, therefore, be it

Resolved that the Town of Jerusalem shall change telephone provider from Frontier to Verizon Wireless service by the end of May, 2013.

RESOLUTION #89-13  
2013 BUDGET AMENDMENT

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

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

Whereas, the Town Board approved resolution #130-12 regarding Compensation for Unused Sick Leave; and

Whereas, Robert Martin was elected Highway Superintendent commencing January 1, 2013; and

Whereas, Robert Martin is entitled to such compensation of unused sick leave as stated in resolution #130-12, paragraph 7; and

Whereas, the Town Board established the Post Employment Reserve Fund for such compensation of unused sick leave; and

Whereas, the Highway DB 2013 budget will be amended to acknowledge funds from the Post Employment Reserve; now, therefore, be it

RESOLVED the Town board authorizes to amend the Highway DB 2013 budget by the following:

Increase revenue 5031 (interfund revenue) \$28,685.79

Increase expenditure 5142.1 (Personal Services) \$26,647.27  
Increase expenditure 9030.8 (SS/Med) \$2,038.52

RESOLUTION #90-13

TRAINING REQUEST - ATTILIO CARCONE

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

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

Resolved to authorize the attendance of Attilio Carcone to the code enforcement In-Service courses; Fire & Structural Safety Inspections for Public and Private Schools and Residential Decks and Pools held on April 25, 2013 at the NYS Fire Academy, Montour Falls, New York and provide reimbursement for training and meals in the amount of \$33.00.

RESOLUTION #91-13

TRAINING REQUEST - HIGHWAY SUPERINTENDENT MARTIN

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

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

Resolved to authorize the attendance of Highway Superintendent Martin to the Association of Towns Annual Highway School scheduled for June 3-5, 2013 at a cost of \$100.00.

RESOLUTION #92-13

TRAINING REQUEST - KPSW - NEW YORK RURAL WATER ASSOCIATION'S PUMP STATION BASICS

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

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

Whereas New York Rural Water Association is hosting a training on June 12, 2013 at the American Legion in Canandaigua, New York; and

Whereas the cost for a pre-registered 2013 New York Rural Water Member is \$23.00; 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 and DEC for recertification; and



Whereas instruction/training is included in the 2013 Water/Sewer budgets; now, therefore, be it

Resolved to authorize attendance of up to two (2) people from the Water/Sewer Department to attend the Pump Station Basics Training on June 12, 2013 at the American Legion in Canandaigua, New York at a cost of \$23.00/person. This cost will be split between the 8120 and 8340 funds.

RESOLUTION #93-13

TRAINING REQUEST - KPSW - FINGER LAKES WATER WORKS SPRING CONFERENCE

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

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

Whereas Finger Lakes Water Works Conference is hosting the Spring Workshop at Kings Catering, 4301 Routes 5&20, Canandaigua, NY; and

Whereas the cost for a pre-paid, pre-registered 2013 Conference Member for Thursday, June 6, 2013 is \$24.00/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; and

Whereas instruction and training expenses were approved in the 2013 budget; now, therefore, be it

Resolved to authorize the attendance of up to two (2) people from the Water/Sewer Department to attend the Finger Lakes Water Works Conference Spring Workshop meeting at a cost of \$24.00/person. This cost will be split evenly between 8120 and 8340 funds.

RESOLUTION #94-13

RESOLUTION PROVIDING FOR THE EMPLOYMENT OF EXPERTS, CLERKS AND A SECRETARY BY THE PLANNING BOARD AND THE ZONING BOARD OF APPEALS

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

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

WHEREAS Section 271 (2) of the New York State Town Law provides in part that "The planning board shall have the power and authority to

employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the town board for such planning board," and

WHEREAS Section 267 (2) of the New York State Town Law provides with respect to the Zoning Board of Appeals in part that "The town board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the town board for such purpose," and

WHEREAS such Town Law provisions clearly grant to the planning board the power and authority for employing experts, clerks and a secretary and for paying for their services out of the appropriation made by the town board, but do not clearly grant such power and authority to the zoning board of appeals, and

WHEREAS this town board believes that the zoning board of appeals should have the same power and authority for employing and paying experts, clerks, and a secretary as does the planning board; now therefore be it

RESOLVED, pursuant to Section 267 (2) of the New York State Town Law, that the Zoning Board of Appeals of the Town of Jerusalem shall have the power and authority to employ experts, clerks and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made therefor by the town board for such zoning board of appeals; and be it further

RESOLVED that all record-keeping, disbursement of funds, and other administrative functions with respect to the payment of such experts, clerks, and secretary as may be employed either by the planning board or by the zoning board of appeals shall be provided by the town clerk in the same manner as for other employees of the town; and be it further

RESOLVED that this Resolution shall take effect immediately and the town clerk shall provide a copy to the chairpersons of the planning board and the zoning board of appeals.

#### DISCUSSION - ZONING BOARD VACANCIES

Councilor Killen will follow up on a possible Zoning Board applicant to request a letter of interest be submitted for the Board's consideration. If no letter is submitted, the Town Clerk was directed to advertise for Zoning Board applicants for two weeks.

RESOLUTION #95-13

MOVE TO EXECUTIVE SESSION

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 this meeting be interrupted to enter into Executive Session to discuss the employment history of a particular person.

The Executive Session convened at 9:56 P.M.

RESOLUTION #96-13

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:58 P.M.

With there being no further business, the meeting was adjourned at 10:58 P.M.

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Sheila McMichael, Town Clerk