

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 18, 2013 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Mary Ann Martin, Jan & Gary Molyneaux, Elaine Nesbit, John Phillips, Don Naetzker, Art Hunt, Carolyn & Jonathan Hunt.

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

RESOLUTION #129-13

APPROVAL OF MINUTES

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 minutes of the August 21, 2013 meeting be approved as read.

RESOLUTION #130-13

AUDIT OF CLAIMS

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 the bills be paid as presented in the following amounts:

General:	\$19,561.56
Outside Village	\$ 7,131.83
Highway DB:	\$35,037.05
Sewer:	\$44,440.10
Water:	\$56,948.86
Branchport Light	\$ 248.54
Trust:	\$ 2,485.00

August Utilities:

General:	\$ 5,237.52
Outside Village:	\$ 27.90
Sewer:	\$35,227.94
Water:	\$ 178.32
Trust:	\$32,632.59

RESOLUTION #131-13

SUPERVISOR REPORT

On a motion of Councilor Killen, seconded by Councilor Folts, 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 August 2013 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- We received notification that our CHIPS funds will be wired this week.

RESOLUTION #132-13

SURPLUS EQUIPMENT AUCTION - AUTHORIZE HIGHWAY SUPERINTENDENT TO REFUSE BIDS

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

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

Whereas Resolution #122-13 and #123-13 authorized the sale of surplus equipment on Auction International; and

Whereas bids are due by 12:00 midnight September 19, 2013; now, therefore, be it

Resolved the Highway Superintendent be authorized to accept or reject any or all bids received on the surplus equipment.

TOWN ENGINEER

- Notes of the, 2013 KPSW meeting on file in the Office of the Town Clerk.
- We are working with Town Attorney Bailey on renewing the Intermunicipal Agreement with Pulteney for the transmission of water.
- We have not yet determined the cause of the pump failure at the Keuka Lake State Park this summer.
- The sewer main was installed at the Senior Living Development.

COUNCIL

- Councilor Folts reported the Zoning Board granted one variance for setback.

RESOLUTION #133-13

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW A-2013 CHANGE IN GRIEVANCE DAY

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 a Public Hearing be held at the November 20, 2013 Town Board meeting at 7:05 P.M. on proposed Local Law A-2013 Rescinding the Change to Grievance Day; and, be it further

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

SUBCOMMITTEE REPORTS

BRANCHPORT HAMLET/CDB GRANT STEERING COMMITTEE:

The Branchport Hamlet Subcommittee is looking at developing façade guidelines and grant options. A secretary is needed. Their next meeting is September 24th at 7:30 P.M. at the Town Office.

RESOLUTION #134-13

MOLYNEAUX OPEN DEVELOPMENT AREA APPLICATION - AUTHORIZE THE FILING OF A NEGATIVE DECLARATION UNDER THE SEQR LAW

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 of the Town of Jerusalem hereby finds and determines with respect to the Molyneaux Open Development Area application, 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 with respect to the project.

RESOLUTION #135-13

ESTABLISH OPEN DEVELOPMENT AREA NUMBER 2013-1

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

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

WHEREAS, Gary E. and Janet E. Molyneaux have applied to the Town of Jerusalem for the establishment of an "Open Development Area"

within the meaning of Section 280-a of the Town Law so as to allow construction of structure on a lot within said area that does not directly abut a public highway, and

WHEREAS, Section 280-a of the Town Law authorizes the Town to establish an Open Development Area on such rules as the Town deems reasonably required to insure access by emergency vehicles to lots served by a private road, and

WHEREAS, the applicants have filed with the town a survey map prepared by Richard E. Kaczynski, Land Surveyor, dated June 15, 2013 (Job No. 00-813) showing provision for access to one proposed lot designated as 1.021 Acre by right-of-way fifty feet in width, and

WHEREAS, the Town of Jerusalem Planning Board has recommended approval of this application provided that the Town Code Enforcement Officer, Highway Superintendent, and the Branchport/Keuka Park Fire Chief sign off on the application and give their approval to ensure they are also satisfied with the construction of the private roadway, and

WHEREAS, The Town Board has found that this action will not have significant adverse environmental impact as defined in the New York State Environmental Quality Review act;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem, in regular session duly convened, as follows:

1. Open Development Area Number 2013-1 of the Town of Jerusalem be and the same hereby is established comprising one parcel having 1.021 acre of land as shown together with the Right of Way in Common, 50 feet wide, along the north line of said 1.021 acre lot on the aforesaid map on file with the town, subject to the following Requirements, which must be satisfied prior to the issuance of a certificate of occupancy for any structure on said parcel:
2. The provisions of the Rules for Private Roads, found in Town of Jerusalem Code Chapter 93, Article Two, shall apply.
3. The Code Enforcement Officer, the Town Highway Superintendent and the Branchport/Keuka Park Fire Chief shall sign off on the application and give their approval.
4. If and when buildings are to be constructed on any part of the approximately fourteen acre parcel now owned by the said Gary E. and Janet E. Molyneaux that will have access to East Bluff Drive by

easement and will not constitute a Subdivision, the owner shall apply to the Town Board for approval of an extension to this Open Development Area. Such approval shall not be granted and no building permit shall be issued for any such building until the requirements of Section 280-a of the New York State Town Law and the Town of Jerusalem Rules for Private Roads have been satisfied for such extension.

5. This resolution is limited to this particular application and is not to be precedent setting.

6. This resolution shall take effect immediately.

RESOLUTION #136-13

2013 KEUKA PARK SEWER DISTRICT #2 RATE ADJUSTMENT

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

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

Whereas Resolution #59-13 A Refunding Bond Resolution Dated March 20, 2013 Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the Town of Jerusalem, New York, to be Designated Substantially as "Refunding (Serial) Bonds" and Providing for Other Matters In Relation Thereto and the Payment of the Bonds to be Refunded Thereby resulted in a reduction in the capital charge for Keuka Park Sewer District Ext. #2; now, therefore, be it

Resolved Resolution #200-12 establishing the 2013 Keuka Park Sewer District Ext. #2 rate be amended from \$167.00/quarter to \$154.00/quarter effective immediately; and, be it further

Resolved the KPSW Clerk be directed to reflect said reduction in the October 1, 2013 billing.

DISCUSSION - AGRICULTURE ACCESSORY BUILDING PERMIT FEE

Supervisor Jones stated Resolution #148-12 Agriculture Accessory Building Permit Fee will be referred back to the Right to Farm Subcommittee for review and clarification of wording based on information received from NYS Ag & Markets Attorney Bob Somers. He also recommended they include the Code Enforcement Officer in their discussions.

Jonathan Hunt addressed the Board with regard to the permit fee for his high tunnel greenhouse structure to clarify if it qualifies for

the \$.05/square foot agricultural building permit fee. He provided and reviewed a packet of handouts supporting the agricultural building permit fee. A lengthy discussion on Mr. Hunt's structure and the materials he provided resulted in the determination that Resolution #148-12 needed to be amended for clarification as the intent of the resolution has resulted in these consequences.

RESOLUTION #137-13

AUTHORIZE AGRICULTURE ACCESSORY BUILDING PERMIT FEE PENDING REVIEW OF RESOLUTION #148-12 ESTABLISHING SAID FEE

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

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

Whereas further legal review of Resolution #148-12 Agriculture Accessory Building Permit Fee is necessary for consideration by the Town Board to modify and clarify the language for application of the agricultural accessory building permit fee; now, therefore, be it

Resolved the building permit fee to be collected from Jonathan Hunt will be \$.05/square foot for this particular high tunnel greenhouse on the Hunt property in the interest of saving his crop while the Town reviews the wording of Resolution #148-12 as it relates to farm structures.

DISCUSSION - WAGSys COMPUTER SYSTEM RECOMMENDATION

Councilor Steppe stated he is satisfied with discussions he had with the WAGSys computer system technical staff. The Zoning Department and Assessor have put funds in the budget for this purchase. Discussion ensued on the time needed for the clerical staff to input two years of sales data to be current, noting WAGSys will then automatically talk to the RPS program.

RESOLUTION #138-13

AUTHORIZE 30-DAY FREE TRIAL PERIOD FOR WAGSys COMPUTER PROGRAM

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

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

Resolved the WAGSys computer program be utilized on a 30-day free trial period.

LOCAL WATERFRONT REVITALIZATION PLAN CONTRACT REVIEW

Don Naetzker, Executive Director for the Finger Lakes Cultural Museum administers the Local Waterfront Revitalization Strategy grant. He met with Town Clerk McMichael to review the Grant Agreement with the New York State Department of State for submission to fulfill the Town's obligations under the Consolidated Funding Application #18725. The Subcommittee received one response to their RFP for consulting services. The subcommittee interviewed and recommends the Town engage the services of Ingalls Planning & Design to prepare the Town of Jerusalem Waterfront Revitalization Strategy. Ingalls included Trowbridge Wolf Michaels Landscape Architects on the team to ensure our needs are met and that this dovetails with the Keuka College campus master plan.

RESOLUTION #139-13

AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENT WITH INGALLS PLANNING & DESIGN

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

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

Whereas Request for Proposals for the Town of Jerusalem Local Waterfront Revitalization Strategy were issued on July 1, 2013 under the New York State Department of State Consolidated Funding Application #18725 grant award; and

Whereas one proposal was received from Ingalls Planning & Design, 6 North Main Street, Suite 200G, Fairport, New York by the July 19, 2013 due date; now, therefore, be it

Resolved the Town of Jerusalem enter into a contract with Ingalls Planning & Design to prepare the Town of Jerusalem Waterfront Revitalization Strategy for our Keuka Lake and Sugar Creek waterfronts to complement the development of the Finger Lakes Museum and the transformation of Keuka College; and, be it further

Resolved the Town Supervisor is hereby authorized to execute the Agreement with Ingalls Planning & Design upon completion of review of the proposed Agreement by Town Attorney Bailey; and, be it further

Resolved, if necessary, following said review, this will be placed on the October Town Board meeting agenda to discuss any objections by Town Attorney Bailey.

2014 TENTATIVE TOWN, WATER & SEWER BUDGETS

Town Clerk McMichael delivered the 2014 Tentative Town, Water and Sewer Budgets to the Town Board.

A budget workshop was scheduled for Thursday, September 26, 2013 at 7:00 P.M.

RESOLUTION #140-13

APPOINTMENT - BOARD OF ASSESSMENT REVIEW - ED WEBB

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

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

Resolved that Ed Webb be appointed to the Board of Assessment Review for a five-year term, from October 1, 2013 through September 30, 2018.

With there being no further business, on a motion of Councilor Parson, seconded by Councilor Steppe, the meeting was adjourned at 8:48 P.M.

Sheila McMichael, Town Clerk