

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 19, 2014 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

Excused: Councilor Steppe.

GUESTS: Don Naetzker, John Phillips, Doug Paddock, Bob Evans, David Specksgoor; *Dundee Observer* Reporter, John Christensen; *Chronicle Express* Reporter

Supervisor Killen called the meeting to order with the Pledge to the Flag at 7:03 P.M.

RESOLUTION #34-14

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the minutes of the January 15, 2014 meeting be approved as read.

RESOLUTION #35-14

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the minutes of the January 27, 2014 special meeting be approved as read.

RESOLUTION #36-14

AUDIT OF CLAIMS

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

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

General:	\$12,244.08
Outside Village	\$ 169.07
Highway DB:	\$12,677.50
Sewer:	\$ 1,631.45

Water: \$ 6,596.24

January Utilities:

General: \$ 1,109.38
Sewer: \$ 167.49
Water: \$ 325.31
Trust: \$31,628.33

RESOLUTION #37-14

SUPERVISOR REPORT

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

ADOPTED Ayes 4 Dinehart, Jones, Killen, Parson
Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of January 2014 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Additional salt has been ordered as winter weather continues.
- Fuel costs are rising.
- Supervisor Killen thanked the Highway Department for assisting with the removal of the ice build-up on the Town Hall roof. Deputy Supervisor Stewart stated our appreciation to Highway Superintendent Martin and Code Enforcement Officer Phillips for being so accommodating. An emergency roof repair will be done tomorrow by Williamson's Quality Home Improvement of Penn Yan.

RESOLUTION #38-14

AUTHORIZE ATTENDANCE AT ADVOCACY DAY

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

ADOPTED Ayes 4 Dinehart, Jones, Killen, Parson
Nays 0

Resolved the Highway Superintendent be authorized to attend the Highway Superintendents Advocacy Day in Albany, New York on March 4 and 5, 2014 at no cost to the Town.

TOWN ENGINEER

- Notes of the February 11, 2014 KPSW meeting on file in the Office of the Town Clerk.
- Several leaks have been identified related to the cold weather.

- We are looking into shared service possibilities with the Town of Milo.

COUNCIL

The Highway Department was commended for a job well-done redesigning their office and break room at a minimal cost.

ANNUAL ACCOUNTING OF THE JUSTICE'S BOOKS

The Annual Accounting of the Town Justice's books was conducted by the Justice Committee. It was recommended a formal audit be included in the 2015 budget as one has not been done for several years.

SUPERVISOR

- The Climbing Keuka for Kids 5K event is planned for May 10, 2014.
- Recent cost control ideas implemented included a programmable thermostat installed 2/14/14 by Dean Roberts, timer switches on the bathroom exhaust fans; one installed by Rob Martin and one by Dean Roberts and a solar light on the flag pole
- The Village of Penn Yan invited Supervisor Killen to a meeting to discuss a \$917,000 composting project to be undertaken by the Village. The project will be funded by a 50/50 matching grant with the Town paying 31% of the Village's portion. This project will be offset by the current \$65,000/year expense for the Village to haul sludge.
- At the request of Keuka College, Supervisor Killen resubmitted the Town's October 22, 2013 letter of support regarding Strong Hall and Keuka Park Apartments. One word had to be revised.

RESOLUTION #39-14

AUTHORIZE PURCHASE OF DELL SERVER

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved as discussed at the January 27, 2014 Special Meeting, the RAID 5 server with dual processing and extra memory be purchased from Dell, quote #675819434 in the amount of \$6,451.53 to ensure all current and future needs of the Town are met.

RESOLUTION #40-14

SERVER INSTALLATION SERVICES

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

ADOPTED	Ayes	3	Dinehart, Jones, Killen
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Nays 1 Parson

Whereas two bids were received for configuration, installation and implementation services to transition to the new server as follows:

Managed Services Team, Rochester, NY	\$3,000
SCT Computers, Inc., Penn Yan, NY	\$1,440

;now, therefore, be it

Resolved the low bidder, SCT Computers, Inc. be contracted to install the new server.

RESOLUTION #41-14

COMPUTER MAINTENANCE/IT SUPPORT SERVICE PROVIDER

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Whereas basic computer maintenance/IT support services currently cost approximately \$13,000 annually from provider, Managed Services Team; and

Whereas SCT Computers, Inc. has submitted a quote for said services estimated at an annual cost of approximately \$4,500; now, therefore, be it

Resolved the computer maintenance/IT support service provider be changed as of March 1, 2014 to SCT Computers, Inc.

SUBCOMMITTEE REPORTS

LOCAL WATERFRONT REVITALIZATION PROJECT

Don Naetzker distributed and reviewed a summary of the Project Status Form for the Local Waterfront Revitalization Strategy (Exhibit A). The waterfront revitalization area includes land with a relationship to the water most susceptible to change. The area encompasses land adjacent to Keuka Lake and Sugar Creek; Branchport; Kinneys Corners/Keuka Park; the Village of Penn Yan and Keuka Lake State Park, along with the Route 54A right-of-way linking these areas. Areas that are overwhelmingly single-family residential in use, such as East and West Bluff Drive, are not included in the revitalization area.

The next Subcommittee meeting is February 25th. The agenda includes finalizing the vision statement and formulating the project list. We hope to finalize the project by July 2014.

Supervisor Killen will work with Mr. Naetzker to complete and submit the required DOS grant forms.

RESOLUTION #42-14

AUTHORIZE SUPERVISOR TO EXECUTE CONTRACT WITH NAETZKER URBAN WORKS

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Whereas Don Naetzker serves as Project Manager for the Town of Jerusalem Local Waterfront Revitalization Strategy project under the New York State Department of State Consolidated Funding Application #18725 grant award through an arrangement with the Finger Lakes Museum and Keuka College; and

Whereas the Museum and College no longer employs Mr. Naetzker as his work there has been completed, thereby ceasing his in-kind services to the Town as agreed upon; and

Whereas Keuka College agreed to pay the Town \$7,400 as the balance remaining on their \$10,000 contribution toward the project; now, therefore, be it

Resolved the Town retain Mr. Naetzker to continue as Project Manager and the Supervisor be authorized to execute the contract with Naetzker Urban Works; and, be it further

Resolved Supervisor Killen contact Keuka College regarding payment of the \$7,400 balance on their contribution.

AGR/ZONING REVIEW SUBCOMMITTEE

Proposed Local Law F-2012 Lot Coverage will be placed on the March agenda.

RESOLUTION #43-14

RESOLUTION TO CONTRACT ARCHITECTURAL AND CONSULTING SERVICES TO DESIGN FAÇADE GUIDELINES FOR THE HAMLET OF BRANCHPORT

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

WHEREAS; in 2012 the Town of Jerusalem Town Board adopted the Branchport Hamlet Master Plan; and

WHEREAS; this Plan is being utilized in efforts to revitalize and enhance the Hamlet of Branchport; and

WHEREAS; such efforts include applying to the Main Street Program for grant funding to assist with improving the appearance of commercial buildings in the Hamlet; and

WHEREAS; in order to apply for funding through the Main Street Program, façade guidelines must first be designed and adopted; and

WHEREAS; the 2014 fiscal year budget includes funds appropriated to contract services to design such façade guidelines; and

WHEREAS; proposals have been sought and the most favorable proposal was received from Rick Hauser of In-Site Architecture at a cost not to exceed \$2,900; now therefore let it be

RESOLVED; that the Town of Jerusalem Town Board hereby authorizes the use of services of In-Site Architecture to design façade guidelines for the Hamlet of Branchport at a contract price not to exceed \$2,900.

PLANNING BOARD CHAIR - 280-A PROPOSED POLICY

Planning Board Chair Rubin is discussing his proposed policy with Attorney Bailey.

LANG OPEN DEVELOPMENT AREA APPLICATION

Attorney Bailey is working on outstanding issues with Lang's attorney. This will be placed on the March agenda.

Resolution #44-14

AUTHORIZE STIPEND FOR ATTORNEY FOR THE TOWN FOR GRADALL RESOLUTION

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved a \$1,000 stipend be authorized payable to Attorney Phil Bailey for services over and above the normal duties of the Attorney for the Town to certify compliance with all applicable laws related to financing \$267,000 with First Niagara Leasing, Inc. for the Gradall excavator purchase.

RESOLUTION #45-14

DECLARATION OF OFFICIAL INTENT

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Whereas, the Town of Jerusalem (Lessee) is a political subdivision of the state in which Lessee is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

Whereas, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

Whereas, the Governing Body hereby finds and determines the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property:

One (1) Gradall Excavator/model XL3100/S/N: 3120000264
One (1) Gradall 60" Ditching Bucket w/ BOE/S/N: G60S312
One (1) Gradall 24" Excavating Bucket/S/N: 167275

Whereas, First Niagara Leasing, Inc. ("Lessor") is expected to act as the Lessor under the Equipment Leases.

Whereas, the Lessee may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

Whereas, the U.S. Treasury Department regulations do not allow the proceeds of the tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

Now, Therefore, Be It Resolved by the Governing Body of the Lessee:

Section 1. The Lessee hereby determines that it has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Leases and financing the acquisition of the Property thereby is in the best interests of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Leases results in a lower overall cost to the Lessee. Execution of the Equipment Leases will not cause the Lessee to be in violation of the limits contained in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

Section 2. The Lessee is hereby authorized to acquire and install the Property (the "Project") and is hereby authorized to finance the Project by entering into the Equipment Leases. Any action taken by the Lessee in connection therewith is hereby ratified and confirmed.

Section 3. Either on the Supervisor OR the Deputy Supervisor (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter in to, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

Section 4. BY a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

Section 5. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

Section 6. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriations or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

Section 7. It is hereby determined that the purpose of the Project is an object or purpose described in subdivision 32 of paragraph

(a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is (15) years.

Section 8. It is hereby determined the term of the Equipment Leases authorized by this resolution will not be in excess of (4) years.

Section 9. The Governmental Body has determined that the Project is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

Section 10. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

Section 11. BANK QUALIFIED: LESSEE CERTIFIES THAT IT HAS DESIGNATED THIS LEASE AS A QUALIFIED TAX-EXEMPT OBLIGATION IN ACCORDANCE WITH SECTION 265(b)(3) OF THE CODE, THAT IT HAS NOT DESIGNATED MORE THAN \$10,000,000 OF ITS OBLIGATIONS AS QUALIFIED TAX-EXEMPT OBLIGATIONS IN ACCORDANCE WITH SUCH SECTION FOR THE CURRENT CALENDAR YEAR AND THAT IT REASONABLY ANTICIPATES THAT THE TOTAL AMOUNT OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY LESSEE DURING THE CURRENT CALENDAR YEAR WILL NOT EXCEED \$10,000,000.

Section 12. The Authorized Representative is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the Equipment Leases authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Code.

Section 13. This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

Section 14. This Resolution shall take effect immediately upon its adoption and approval.

RESOLUTION #46-14
AUTHORIZE SEQRA TRAINING

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

ADOPTED Ayes	3	Dinehart, Jones, Parson
Nays	0	
Abstain	1	Killen

RESOLVED , that the Town Supervisor , Planning Board Chair , Town Attorney , and Town Engineer are authorized to attend a daylong seminar on SEQRA in Syracuse NY on March 28, 2014 for a total cost not to exceed \$1,500.00 covering all expenses including tuition, travel and meals.

RESOLUTION #47-14

SUBMIT REQUEST FOR PROPOSAL FOR TOWN HALL ROOF REPLACEMENT

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

ADOPTED Ayes	4	Dinehart, Jones, Killen, Parson
Nays	0	

Whereas the roof of the Town Hall is need of replacement; and

Whereas the Board desires bids for both standard 40-year shingles and a metal roof; now, therefore, be it

Resolved that the Code Enforcement Officer develop the roof specifications to prepare a request for proposal and advertise for sealed bids containing a non-collusion bidding certification in accordance with §103 of the General Municipal Law.

PLANNING BOARD APPLICANTS

Letters of interest to serve on the Planning Board have been submitted by Tim Cutler and John Manley. Councilors Steppe and Dinehart will arrange interviews for the two applicants with Planning Board Chair Rubin.

RULES OF PROCEDURE

Attorney Bailey drafted proposed Rules of Procedure for the Board's consideration. This will be placed on the March agenda.

RESOLUTION #48-14

MOVE TO EXECUTIVE SESSION

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

ADOPTED Ayes	4	Dinehart, Jones, Killen, Parson
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Nays 0

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

The Executive Session convened at 8:23 P.M.

RESOLUTION #49-14

RETURN TO REGULAR SESSION

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

ADOPTED	Ayes	4	Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:47 P.M.

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

Sheila McMichael, Town Clerk