

Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 18, 2014 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Ryan Frykholm and Mac Sabol of Simmons Recovery Consulting, Tim Cutler, Amanda Hamilton, Bud Swingle, Mary Lilyea, John Christensen; *Chronicle Express* Reporter, Elaine Nesbit.

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

**RESOLUTION #100-14**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the May 21, 2014 meeting be approved as read.

**RESOLUTION #101-14**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the June 3, 2014 special meeting be approved as read.

**RESOLUTION #102-14**

**AUDIT OF CLAIMS**

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

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

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

General:	\$18,055.97
Outside Village	\$ 2,460.56
Highway DB:	\$86,060.04
Sewer:	\$40,573.12
Water:	\$64,246.16
Branchport Light	\$ 188.73

May Utilities:

General:	\$	762.16
Sewer:	\$	150.16
Water:	\$	251.61
Trust:		\$32,151.93

RESOLUTION #103-14

SUPERVISOR REPORT

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

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

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

RESOLUTION #104-14

SUPERVISOR REPORT

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

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

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

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Shanty Plains between Hemlock and Champlin is the only Town road still closed due to the recent flooding. Superintendent Martin stated they are making progress on the flood damaged roads. The roads are drivable, but clean-up is still needed. Four NYSDOT crews assisted with our recovery working 12-hour days for almost two weeks.
- Road work scheduled under the CHIPS Capital reimbursement program needs to be done by August 1, 2014.
- Letters from Supervisor Killen and Highway Superintendent Martin will be sent thanking municipalities for their assistance during the flood.

TOWN ENGINEER

- Notes of the June 10, 2014 KPSW meeting on file in the Office of the Town Clerk.

RESOLUTION #105-14

AUTHORIZE EMERGENCY ROOF REPAIR - KEUKA PARK PUMP STATION

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

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

Whereas the Keuka Park Pump Station roof sustained damage during the recent storm due to the neighbor's tree falling on it; now, therefore, be it

Resolved an emergency roof repair be authorized at the Keuka Park Pump Station in an amount not-to-exceed \$3,500. This expense to be funded by KPSW.

COUNCIL

Clean Up Day will be placed on the July agenda.

SUPERVISOR

- State assistance payments for Farmland Protection Implementation Projects are available. Proposals must be received at the NYS Department of Ag & Markets by 4:30 P.M. on July 14, 2014.
- Supervisor Killen read a thank you letter from Shirley Zurchauer for all the assistance she received from Code Enforcement Officer Phillips during the recent flood.
- Highway Superintendent Martin is working with Yates County Soil & Water to address an issue with road repairs done on Morrison and Parker Roads following the flood.
- Supervisor Killen has been notified that the \$350 annual contribution to Bitley Cemetery will not sustain them financially. They are requesting the Town Board consider increasing their contribution.
- Yates County Public Health has signs available for posting in public areas to increase awareness of the tick problem.
- The Contract Negotiating Committee met with the new Teamster's Union representative. We are awaiting receipt of their requests.

RESOLUTION #106-14

INTRODUCE LOCAL LAW 1 OF 2014 AGR ZONING AMENDMENT

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

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

WHEREAS, Councilman Parson has filed with the clerk and introduced at this meeting a proposed local law entitled "Changes To Certain Provisions of The Town Zoning Ordinance as to Agricultural

Residential Districts" to be identified as Local Law No. 1 of 2014, and

WHEREAS, the State Environmental Quality Review Act of the State of New York and SEQR Regulation 617.4 (b) (10) provides that "any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62, 1994 (see section 617.17 of this Part) is a "Type I" action which requires the preparation of an Environmental Assessment Form, and

WHEREAS, the General Municipal Law of the State of New York requires that certain actions having to do with zoning and planning be referred to the Yates County Planning Board for its recommendation:

NOW THEREFORE THE TOWN BOARD HEREBY DETERMINES and ORDERS as follows:

1. The Town Engineer is directed to prepare an Environmental Assessment Form regarding this local law when directed to do so by the Supervisor.
2. The Town Clerk is directed to forward the usual request to the Yates County Planning Board regarding the adoption of this local law as soon as all documents required by that Planning Board have been assembled,
3. A public hearing on Local Law 1 of 2014 will be held at the regular meeting of this board on July 16, 2014, at 7:05 p.m.
4. The Town Clerk will advertise the public hearing as required by law.

SUBCOMMITTEE REPORTS:

LOCAL WATERFRONT REVITALIZATION PROJECT:

Supervisor Killen reported on the Community Meeting held June 9, 2014. The Committee is scheduled to meet again next week to review the feedback received.

BRANCHPORT HAMLET SUBCOMMITTEE

Local business owner Jack Wheeler stated his intent to sponsor the "Welcome to Branchport" sign for \$1,000.

We have not received an invoice from Larson Design Group to date for work related to the sidewalk project. Supervisor Killen will follow up on this.

EVENT PERMIT APPLICATION COMMITTEE:

Councilor Parson distributed an Application to Host an Event on Town Roadways.

PRESENTATION

SIMMONS RECOVERY CONSULTING

Ryan Frykholm and Mac Sabol of Simmons Recovery Consulting made a presentation on services they provide to assist municipalities with the FEMA application process to affect our recovery as efficiently as possible. Governor Cuomo is requesting federal disaster designation for Yates County. Expenses related to the disaster are reimbursed 75% by FEMA, 12.5% by the State and 12.5% local funds.

RESOLUTION #107-14

STANDARD WORK DAY AND REPORTING RESOLUTION

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

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

Be it resolved, that the Town of Jerusalem hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the Clerk of this body:

<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Term</b>	<b>Employer Record of Time Worked</b>	<b>Days/Month</b>
<b>Supervisor</b>	Patrick Killen	6	1/1/2014-12/31/2015	Y	16

The Town Clerk is hereby directed to post this resolution on the Town of Jerusalem website for a minimum of 30 days; to file a certified copy of this resolution and affidavit of posting with the Office of the State Comptroller within 45 days of adoption; to retain records of work activities for ten (10) years; and to provide complete copies of the NYS Comptroller upon request.

RESOLUTION #108-14

REPEAL RESOLUTION #93-14

Councilor Steppe made a motion to rescind Resolution #93-14 Time Clock. The motion was seconded by Councilor Parson.

Discussion:

Councilor Dinehart wanted to go on record stating the salaried employee should have been punching the time clock following adoption of Resolution #93-14. Supervisor Killen did not have the authority to place a moratorium on Resolution #93-14 when the employee refused

to punch the time clock. The Supervisor should have enforced the decision of the Town Board. This was not fair to the rest of the employees.

In response, Supervisor Killen stated his decision for a moratorium was to allow time for discussions with both Attorney Bailey and to review Labor Attorney Lippett's opinions or writing related to the time clock. The salaried employee has been off since last week due to a family illness.

The vote was taken and the resolution:

ADOPTED Ayes 3 Killen, Parson, Steppe  
Nays 2 Dinehart, Jones

RESOLUTION #109-14  
TIME CLOCK RESOLUTION

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

ADOPTED Ayes 3 Killen, Parson, Steppe  
Nays 2 Dinehart, Jones

Whereas past resolutions addressing required time clock utilization have referred to personnel within the Town of Jerusalem in terms of hourly or salaried employees; and

Whereas a more appropriate classification when addressing time clock utilization should refer to personnel with the Town of Jerusalem in terms of Non-Exempt or Exempt employees; now, therefore, be it

Resolved that all Non-Exempt Town of Jerusalem employees will be required to utilize a time clock, and that all Exempt Town of Jerusalem employees and Elected Officials are not required to utilize a time clock; and, be it further

Resolved that in lieu of a time card, Exempt Town of Jerusalem employees will submit bi-weekly time sheets.

CONTRACTOR DISCUSSION:

Contractors interested in getting on the list to perform work for the Town need to submit a letter of interest outlining their qualifications, references and proof of insurance coverage as required by the Town. Preference is given to Town residents, especially in emergency situations due to response time.

RESOLUTION #110-14  
ESTABLISH FUND BALANCE POLICY

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

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

WHEREAS, the Governmental Accounting Standards Board (GASB) has adopted Statement Number 54 (GASB 54), the Fund Balance Reporting and Governmental Fund Type Definitions, that was effective in the fiscal year 2010-2011, and

WHEREAS, the Town of Jerusalem wishes to comply with GASB 54 as required beginning with the current January 1, 2014-December 31, 2014 fiscal year;

NOW THEREFORE BE IT RESOLVED that the Town of Jerusalem Board hereby adopts the following policy:

#### FUND BALANCE POLICY

Fund balance measures the net financial resources available to finance expenditures of future periods. The Town's Unassigned General Fund Balance will be maintained to provide the Town with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing. The Unassigned General Fund Balance may only be appropriated by resolution of the Town of Jerusalem Board.

Fund Balance of the Town may be committed for a specific source by formal action of the Town of Jerusalem Board. Amendments or modification to the committed fund balance must be approved by formal action of the Town Board. Committed fund balance does not lapse at year-end. The formal action required to commit fund balance shall be by board resolution or majority vote.

The Town of Jerusalem Board delegates authority to assign fund balance for a specific purpose to the Chief Fiscal Officer (Town Supervisor).

For the purpose of fund balance classification, expenditures are to be spent from restricted fund balances first and then the unrestricted. Expenditures incurred in the unrestricted fund balance shall be reduced first from the committed fund balance,

then from the assigned fund balance and lastly, the unassigned fund balance.

The Town Board recognizes that good fiscal management comprises the foundational support of the entire Town. To make that support as effective as possible, the Town Board intends to maintain a minimum fund balance of 20% of the Town's general fund annual operating expenditures. If the General Fund balance drops below 20%, it shall be recovered at a rate of 1% minimally, each year.

This policy should be revisited each year for review.

RESOLUTION #111-14

AUTHORIZE SUPERVISOR TO SIGN SENECA LAKE AREA PARTNERS-5 MOU

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

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

Resolved the Supervisor be authorized to sign the Seneca Lake Area Partners in 5 Counties (SLAP-5) Memorandum Of Understanding: Seneca Lake Watershed Management Plan. The goal of the MOU is to create an intermunicipal body to provide input, guidance and prioritization for implementation of a Watershed Management Plan; and to enable efforts to secure grant funding and support for the protection of Seneca Lake.

ESTABLISH SUMMER RECREATION PROGRAM SALARIES

No resolution was put forth to establish the 2014 Summer Recreation Program salaries. These are seasonal part-time employees who work approximately 100 hours during the 5-week program; July 8 - August 7, 2014.

RESOLUTION #112-14

REQUEST FOR ADDITIONAL POSITION IN AN ALREADY ESTABLISHED ENTRANCE LEVEL CLASSIFICATION MSD-222A

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

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

Whereas the Yates County Personnel Assistant has contacted the Town on June 13, 2014 advising them that the Jerusalem Town Board must authorize the creation of a new full-time position for the water/sewer department;



Whereas Yates County Civil Service Commission certified on 6/13/14 that the appropriate civil service title for the position is Water/Wastewater Maintainer;

Now therefore be it resolved that Kasey Christensen fill the new full time position of Water/Wastewater Maintainer.

EAST BLUFF DRIVE STABILIZATION PROJECTS/HIGHWAY RIGHT-OF-WAY:

It was the consensus of the Town Board to authorize Town Engineer Ackart to contact Larson Design Group to develop a management and control system for bank stabilization on East Bluff Drive.

PUBLIC CONCERN

Bud Swingle, 6451 West Bluff Drive requested the Town Board address an alleged unlawful dock located at 6475 West Bluff Drive that Mr. Swingle believes is both encroaching and trespassing. Mr. Swingle filed a formal complaint with the New York State Office of General Services (OGS), but requested local officials remove the unlawful dock as authorized under the Keuka Lake Uniform Docking and Mooring Law.

Supervisor Killen advised Mr. Swingle that Jerusalem employees had been in contact with New York State Office of General Services, including a conference call with CEO Phillips, Attorney Bailey, from OGS John Hernick and Thomas Pohl. OGS advised they had a process for this complaint, and were proceeding. Jerusalem agreed to cooperate with them.

Following discussion, Mr. Swingle was instructed to continue working with OGS on the matter.

With there being no further business, on a motion of Councilor Jones, seconded by Councilor Parson, the meeting was adjourned at 9:04 P.M.

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Sheila McMichael, Town Clerk