

Minutes of the regular monthly meeting of the Jerusalem Town Board held on October 21, 2015 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael, Town Engineer Ackart, Budget Officer Muscarella.

Excused: Highway Superintendent Martin.

GUESTS: KPSW Clerk Wheeler, Tim Cutler, Bob & Ann Simunek, Art Hunt, Nitosha Fingar, Tiffany Phillips, Joe Trombley, Richard Clouser, Marsha English, Doug Paddock, Jim Jameson, John Christensen; *Chronicle Express* Reporter

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

CHANGES TO THE AGENDA

Councilor Steppe noted the Executive Session is for proposed litigation.

RESOLUTION #127-15

APPROVAL OF MINUTES

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

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

Supervisor Killen provided a comprehensive list on the additional \$10,000 in 1620.4 for building repairs as noted in the changes to the 2016 tentative budget:

- Gutter cleaning (asap) also plug defroster on back roof
- caulk holes in siding West side (mower rocks)
- caulk window by garbage cans (volunteer install)
- New chairs for boardroom
- sand finish boardroom floor
- steam clean carpets throughout, steam clean chairs not being replaced
- touch up interior paint
- sand/stain/seal wooden steps East & West sides
- sand/paint metal window frames East side
- replace windows South side
- replace one window East side
- basement entrance stonework is collapsing, needs removal/footer, drainage, installing

Resolved that the minutes of the September 16, 2015 meeting be approved as amended

RESOLUTION #128-15

AUDIT OF CLAIMS

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

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

Councilor Jones noted invoices to date total \$4,054 of the \$4,200 approved for the window and door replacement projects at the Town Office. Additional approval will be needed when the \$450 Court Room door installation is billed. Supervisor Killen stated additional costs were caused by modifications such as the door closure and the extra time needed for proper installation because the building is out of square.

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

General:	\$ 10,984.95
Outside Village:	\$ 102.58
Highway DB:	\$106,373.47
Sewer:	\$ 1,244.66
Water:	\$ 6,631.89

September Utilities:

General:	\$ 3,281.09
Outside Village:	\$ 108.55
Highway DB:	\$ 3,866.34
Sewer:	\$34,416.25
Water:	\$38,691.17
Branchport Light:	\$ 238.73
Trust:	\$25,811.25

RESOLUTION #129-15

SUPERVISOR REPORT

On a motion of Councilor Parson, 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 September 2015 be accepted as presented.

RESOLUTION #130-15

PUBLIC HEARING - PROPOSED LOCAL LAW B OF 2015 - OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

With proof of notice having been duly published and posted, on a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

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

Resolved the Public Hearing be opened at 7:10 P.M.

Supervisor Killen stated the Association of Towns reversed their previous opinion supporting adoption of the override local law. If an audit recognizes over expenditures in the budget, it triggers a penalty. He has inquired, but is not able to determine what the amount of a potential Tax Freeze Rebate to our tax payers would be.

Doug Paddock stated adopting the local law, negates the rebates.

Art Hunt questioned the impact of the flooding costs. These costs were captured in 2015.

Richard Clouser asked if the Town had a history of overages happening. Jerusalem does not.

The public hearing was left open.

2016 PRELIMINARY TOWNWIDE, WATER & SEWER BUDGETS

Budget Officer Muscarella reviewed the 2016 Tentative Budget highlights (Changes from 2015 Budget Year). The 2016 Tentative Town Budget includes a .67% increase in the Town Tax Rate (equates to a yearly increase of \$1.60 per \$100,000 of assessed valuation.)

Budget highlights presented are attached.

RESOLUTION #131-15

AMEND 2016 TENTATIVE BUDGET

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

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

Resolved the 2016 tentative budget be amended as presented at the September 16, 2015 meeting as follows:

Change:

- 1355.1 move \$25,000 to 1355.4 appropriation code
(Data Collector is contract position.)

To read:

- 1355.1 move \$24,500 to 1355.4 appropriation code

(Data Collector is contract position.)

1355.4 Add \$1,500 Data mailers

1355.4 Add \$2,412 Mileage

OPEN PUBLIC HEARING - 2016 TOWNWIDE, CONSOLIDATED WATER DISTRICT &
SEWER DISTRICTS AND EXTENSIONS BUDGETS

With proof of notice having been duly published and posted, on a motion of Supervisor Killen, seconded by Councilor Parson, the following was

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

Resolved the Public Hearing be opened at 7:26 P.M.

Marsha English questioned the large increase for medical coverage and asked if there is an opportunity to lower it. The Town Board always considers benefits cost in the budget review process.

Art Hunt stated the insurance benefit balances out with the income as the employees don't get paid much, so the Town is generous in their benefit which encourages employee longevity.

Tim Cutler stated it is a common practice to look at the total compensation package.

Marsha English questioned the financial impact of the refinancing of water and sewer bonds. The debt refinancing resulted in a \$5/quarter reduction for Sewer #2 customers.

Richard Clouse requested KPSW customers see more transparency on the costs. The Debt Service Schedule will be posted on the Town website as part of the budget.

Bob Simunek inquired about extending water and sewer. The feasibility and expense are still under review. Larson Design Group conducted a Wastewater System Study, which did not score well for funding this year.

The public hearing was left open.

PRESENTATION - SENECA FARMS

Nitoshia Fingar, Tiffany Phillips and Joe Trombley were advised by Code Enforcement Officer Phillips to request review of the zoning of Seneca Farms, 2485 Route 54A, zoned B1 General Business. They would like to expand their business into the more restricted R3 Residential-Indian Pines zone. Supervisor Killen will notify the Planning and Zoning Board Chairs that a subcommittee comprised of

members from their respective Boards will be established to review and make a recommendation to the Town Board.

TOWN OFFICIALS

TOWN ENGINEER

- Notes of the October 13, 2015 KPSW meeting on file in the Office of the Town Clerk.
- KPSW has been busy working on the Keuka Commons project. Deputy Supervisor Stewart made note of the numerous hours and attention Town Engineer Ackart has given to this project.
- We are working cooperatively with the Village of Penn Yan on the Indian Pines Pump Station Forcemain Replacement project.

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Councilor Steppe stated the salt storage building being filled.

SUPERVISOR

- The Public Service Commission Reforming the Energy Vision public hearing is scheduled for 6:00 P.M. on November 5, 2015 at the Rochester City Hall.
- Supervisor Killen, Highway Superintendent Martin, KPSW Clerk Wheeler and Water/Wastewater Maintainer Hardy participated in "WRECK It" (Western Region Emergency Communications, Knowledge and Information Tests) disaster preparedness drill. As a designated emergency shelter, we need a back-up generator, water and food at the Town Hall.
- Jonathan Hunt, Hunt Country Vineyards, 4021 Italy Hill Road is allowing community access to a composting area. This is a voluntary program, not administered by the Town, and only available as long as people adhere strictly to the posted guidelines.
- We are accepting applications for the Code Enforcement Officer position. Four applications have been received to date. Interviews will be scheduled.

COUNCIL

- Deputy Supervisor Stewart sent a thank you letter to Sheriff Spike for the painting of our hydrants by the SWEEPS program.

SUBCOMMITTEE REPORTS

BRANCHPORT HAMLET SUBCOMMITTEE:

No meeting was held.

AGR ZONING REVIEW SUBCOMMITTEE:

Subcommittee Chair Tim Cutler e-mailed a draft incorporating the comments received from Attorney Graff. The Town Board will review and comment on the draft within a week.

RESOLUTION #132-15

ADVERTISE DATA COLLECTOR POSITION

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

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

Resolved the Data Collector position be advertised as outlined in Councilor Parson's e-mail with the amendment that services be from January 1, 2016 through December 31, 2016 or until the funds are expended.

RESOLUTION TO DEPOSIT CHECKS BY SCANNING

Supervisor Killen will request the Five Star Bank representative attend the November 18th meeting to assist with policies and procedures for such transactions as recommended by the Association of Towns.

RESOLUTION #133-15

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B OF 2015 TAX CAP
OVERRIDE

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

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

With all persons desiring to be heard, the public hearing was closed at 8:24 P.M.

RESOLUTION #134-15

CLOSE PUBLIC HEARING- 2016 TOWNWIDE, WATER & SEWER BUDGETS

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

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

With all persons desiring to be heard, the public hearing was closed at 8:25 P.M.

The regular meeting was reconvened.

RESOLUTION #135-15

DECLARE 2008 FORD F-350 PICK-UP TRUCK AS SURPLUS

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

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

Resolved that the 2008 Fort F-350 Pick-up Truck Vin #1FTW31Y58EE22231 be declared as surplus equipment; and, be it further

Resolved the Highway Superintendent be authorized to advertise the sale of said F-350 pickup; with the proceeds from this sale deposited into the Highway Equipment Reserve.

RESOLUTION #136-15
ABANDONMENT OF SOUTH AVENUE

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

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

Whereas, a Town Road known as South Avenue, in the Town of Jerusalem, County of Yates, commencing at the intersection of Central Avenue for a distance of 0.16 miles in an easterly direction has not been worked nor maintained by Town of Jerusalem Highway forces in the past six years from this date, said Town Road shall cease to be a Town Road and every public right of way that shall not have been used for said period shall be deemed abandoned; and

Whereas, the effect of such abandonment, with respect to the Town Road described shall be: It shall no longer be worked at the public expense by the Town of Jerusalem; now, therefore, be it

Resolved that this Town Board of the Town of Jerusalem, duly convened at a regular meeting, hereby agrees to abandon such Town Road and public right of way known as South Avenue in the Town of Jerusalem; and, be it further

Resolved said land will revert back to the previous property owner; and, be it further

Resolved the Town Clerk file the Abandonment of South Avenue Under Section 205 of the Highway Law of the State of New York certification with NYSDOT.

RESOLUTION #137-15
2016 KEUKA PARK SEWER/WATER FEES, RATES AND EDU SCHEDULE

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

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

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer Districts establishes the fees for sewer and water customers of the districts; and

WHEREAS, Section 198(3)(d) of the Town Law of the State of New York authorizes the Town Board to establish the rates for use of water by customers of the district; and

WHEREAS, Section 152-8 of the Code of the Town of Jerusalem provides that the rate schedule be kept on file in the office of the Town Clerk; and

WHEREAS, Section 131-25 of the Code of the Town of Jerusalem authorizes the Town Board to establish the fees for use of sewer by customers of the district; and

WHEREAS, Equivalent Dwelling Units (EDU's) are assessed on each individual property, regardless of common owner; now, therefore, be it

RESOLVED that the proposed Fee Schedule, Rate Schedule and Equivalent Dwelling Unit (EDU) Schedule Guideline of the Keuka Park Sewer and Water Districts attached to this resolution be and it hereby is approved to go into effect on January 1, 2016 and continue in effect thereafter until further resolution of this Board.

RESOLUTION #138-15

APPROVAL - WATER AND SEWER RELIEVES

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

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

Whereas, the Jerusalem Town Code provides for the collection of delinquent water and sewer bills by Yates County by the relevy of those accounts on the January tax bills; and

Whereas, the Town Water & Sewer office has compiled a listing of the 2015 water and sewer delinquent accounts in the following amounts:

*Keuka Park Water District	\$19,696.17
*Keuka Park Sewer District	\$13,025.56

*Relevy Fee \$ 4,300.00
;now, therefore, be it

Resolved that the Jerusalem Town Board does hereby approve the transfer of these delinquent accounts to the County for relevy on the 2016 tax bills.

*Note final relevy amounts 10/28/2015:

Keuka Park Water District	\$20,837.85
Relevy Fee Water District	\$ 3,300.00
Keuka Park Sewer District	\$19,150.36
Relevy Fee Sewer District	\$ 650.00

RESOLUTION #139-15

AUTHORIZE ASSESSOR TRAINING - SOLAR VALUATION

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

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

Resolved Assessor Vernon Brand be authorized to attend a 4-hour seminar on Solar Valuation on October 20, 2015 at The Hotel at Vernon Downs, Vernon, New York at no charge.

RESOLUTION #140-15

ADVERTISE ZONING BOARD 2016 VACANCY

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

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

Resolved the Town Clerk advertise for Zoning Board applicants for the vacancy created when Jim Crevelling's term expires 12/31/2015.

RESOLUTION #141-15

2015 GENERAL BUDGET AMENDMENT

On a motion of, seconded by, the following was

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

Whereas, the Jerusalem History Club applied for a grant thru the Pomeroy Foundation for a sign at the Beddoe-Rose Cemetery; and

Whereas the Pomeroy Foundation accepted the application and funded the sign; now, therefore, be it

Resolved that the 2015 General Budget be amended to reflect the funding by

Increasing the 2770 Misc. Revenue \$1,094.00
Increasing the 7510.4 Historian \$1,094.00

PROPOSED LOCAL LAW B OF 2015 - OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

It was the consensus of the Town Board that adopting proposed Local Law B of 2015 - Override the Tax Levy Limit would have be negative impact on the Town.

RESOLUTION #142-15
ADOPT 2016 TOWNWIDE BUDGET

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

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

Resolved the 2016 Townwide Budget be adopted as presented.

RESOLUTION #143-15
ADOPT 2016 WATER BUDGET

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

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

Resolved the 2016 Consolidated Water District be adopted as presented.

RESOLUTION #144-15
ADOPT 2016 SEWER BUDGET

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

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

Resolved the 2016 Sewer Districts and Extensions Budget be adopted as presented.

FOIL INSERVICE

A lengthy discussion ensued regarding a recent incident whereby a FOIL was not properly filed with the Town Clerk. Supervisor Killen will reiterate a 2005 memo to staff outlining the correct procedure. If the problem continues, training on FOIL will be conducted.

PUBLIC COMMENT:

- Art Hunt stated the Fire Department repeatedly pumped approximately ninety basements during recent storms and

suggested the Town consider installing a diversion ditch to prevent future flooding in those areas. It was noted Town resources cannot be expended on private property.

- Art Hunt suggested the Town utilize local attorney, David English to assist with the zoning amendments currently under consideration. The Town has appointed Jeffrey Graff as the Attorney for the Town.
- Marsha English stated there are discussions in the community regarding potential litigation related to the Town assessing permanent docks.

RESOLUTION #145-15

MOVE TO EXECUTIVE SESSION

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 this meeting be interrupted to enter into Executive Session to discuss the Notice of claim, proposed litigation.

The Executive Session convened at 8:52 P.M.

RESOLUTION #146-15

RETURN TO REGULAR SESSION

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 Board return to regular session.

The Board reconvened in regular session at 9:19 P.M.

With there being no further business, on a motion of Councilor Steppe, seconded by Supervisor Killen, the meeting was adjourned.

Sheila McMichael, Town Clerk