

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 20, 2016 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Parson, Deputy Town Clerk Goebel, Highway Superintendent Martin, Town Engineer Ackart and Councilor Dinehart via skype.

GUESTS: Ed Bronson, Tim Cutler, Art & Joyce Hunt, Taylor Fitch, Raymond Stewart.

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

RESOLUTION #16-16

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 16, 2015 meeting be approved with an amendment to the Code Enforcement Officer appointment handout that NYS retirement is mandatory for full-time employees; they cannot opt in or out of NYS retirement.

RESOLUTION #17-16

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 30, 2015 special meeting be approved as read.

RESOLUTION #18-16

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 6, 2016 Organization meeting be approved as read.

RESOLUTION #19-16

AUDIT OF CLAIMS

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

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

Abstain 1 Dinehart

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

General:	\$4,694.68
Outside Village	\$1,132.47
Highway DB:	\$ 69.43
Sewer:	\$ 987.18
Water:	\$3,788.99
Trust:	\$ 412.80

December Utilities:

General:	\$ 2,300.04
Outside Village:	\$ 112.48
Highway DB	\$ 3,629.84
Sewer:	\$ 5,316.68
Water:	\$10,812.94
Trust:	\$28,276.18

RESOLUTION #20-16

CHANGES TO THE AGENDA

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

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

The FLBOA (Finger Lakes Building Officials Association) training and accommodation request on tonight's agenda was withdrawn by Code Enforcement Officer Phillips.

RESOLUTION #21-16

SUPERVISOR REPORT

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	
	Abstain	1	Dinehart

Resolved that the Supervisor's Report on the Town's finances for the month of December 2015 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.

TOWN ENGINEER

- Notes of the January 7, 2016 KPSW meeting on file in the Office of the Town Clerk.
- The monthly KPSW meetings are scheduled on the Thursday before the Town Board meeting at 1:00 P.M.
- We continue to work cooperatively with Keuka College on the Keuka Commons Project.

AGR ZONING REVIEW SUBCOMMITTEE

A lengthy discussion ensued regarding lot coverage and the height of retaining walls that will require a building permit in the AGR zoning district.

RESOLUTION #22-16

RESOLUTION INTRODUCING LOCAL LAW A-2016 AMENDING THE AGR ZONING ORDINANCE, GML REFERRAL AND SEQOR

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

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

WHEREAS, proposed Local Law A of 2016 Amending the Town of Jerusalem AGR Zoning Ordinance was drafted by Attorney Graff; and

Whereas following discussion, it was the consensus of the Town Board to instruct Attorney Graff to amend proposed Local Law A of 2016 using the Town of Milo's definition of structure, along with adding that any retaining wall over 4' will require a building permit; and

WHEREAS, after proposed Local Law A of 2016 is amended, 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; and

WHEREAS, the State Environmental Quality Review Act of the State of New York and SEQOR 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;

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.

DATA COLLECTOR & PART-TIME TYPIST FOR CEO

- Councilor Anderson reported there were 4 applicants for the Data Collector position; 3 professionals and 1 very qualified Jerusalem resident. An offer will be extended to the resident.
- Councilor Anderson suggested the Town combine the Data Collector position with the part-time Typist for Code Enforcement.
- Supervisor Killen will ask Town Clerk McMichael to place an ad for the part-time Typist for Code Enforcement as outlined in Resolution #170-15.

DISCUSSION - TAX CAP OVERRIDE LOCAL LAW:

There was a short discussion about adopting the Tax Cap Override Local Law. If the law is not adopted and an audit recognizes over expenditures in the budget, it triggers a penalty. Adopting the local law will negate the Tax Freeze Rebates our tax payers receive, but the rebate program may end next year.

RESOLUTION #23-16

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW B OF 2016 ENTITLED "A LOCAL LAW AMENDING THE PROVISIONS OF CHAPTER 143 OF THE CODE OF THE TOWN OF JERUSALEM RELATIVE TO THE SENIOR CITIZENS TAX EXEMPTION"

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

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

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption"; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on February 17, 2016, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration.

RESOLUTION #24-16

VEHICLE USE REQUEST - CODE ENFORCEMENT OFFICER

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

DEFEATED	Ayes	2	Killen, Parson
	Nays	3	Anderson, Dinehart, Jones

Whereas the Code Enforcement Officer Town vehicle is parked at the Town Office, 3816 Italy Hill Road, at the end of each day; now, therefore, be it

Resolved Code Enforcement Officer DeVoe's request to be allowed to drive the Town-owned vehicle to and from work based on past practice be approved.

RESOLUTION #25-16

SUPPORTING TOWN ASSESSOR IN UPDATING OF "2017" ASSESSMENT ROLL

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

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

WHEREAS, the "Town of Jerusalem" Town Board supports the efforts of its Town Assessor "Vern Brand" in updating of the Town's "2017" Assessment Roll and maintenance of such Assessment Roll at full-market value, and

WHEREAS, the Town Board supports the allocation of sufficient resources for Town staff and services to complete the project,

NOW, THEREFORE, BE IT RESOLVED, that the "Town of Jerusalem" Town Board hereby expresses its support of its Town Assessor "Vern Brand" in updating of the Town's "2017" Assessment Roll and maintenance of such Assessment Roll at full-market value, and authorizes the allocation of sufficient resources for Town staff and services to complete such project, and

BE IT FURTHER, RESOLVED, that the Town Board further requests that the New York State Office of Real Property Tax Services and the "Yates" County Office of Real Property Services provide assistance that is typically afforded during such projects to the "Town of Jerusalem" Town Assessor, and

BE IT FURTHER, RESOLVED, that the Town Board further authorizes and directs the Town Assessor to send a certified copy of this Resolution to the New York State Office of Real Property Tax Services and the "Yates" County Office of Real Property Services and authorizes and directs the Town Supervisor, Town Assessor and/or Town Clerk to take such other and further actions as may be necessary to effectuate the terms of this Resolution.

RESOLUTION #26-16

Finger Lakes Water Works Conference Annual Business Meeting

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

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

Whereas; Finger Lakes Water Works Conference is hosting the Annual Business Meeting at Club 86 in Geneva, NY on February 4, 2016; and

Whereas; the cost for a pre-paid, pre-registered 2016 Conference Member is \$23.00/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 2016 budget; now,

Therefore be it resolved to authorize attendance of up to (2) people from the Water / Sewer Department to attend the Finger Lakes Water Works Conference Annual Business Meeting at a cost of \$23.00/person. This expense to be funded 70% from the 8340 and 30% by 8120.

RESOLUTION #27-16

Designation of Water Operator In Responsible Charge for Keuka Park Consolidated Water District

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

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

Whereas; the State Sanitary Code (SSC) Subpart 5-4 Section 5-4.2(a) requires the owners of all community water supplies to place the distribution system under the responsible charge of a certified operation(s) with the appropriate grade; and

Whereas; during a routine inspection in 2015, the State Health Department recommended to the Keuka Park Water District that they designate more than one Water Operator in Responsible Charge for the Keuka Park Consolidated Water District (KPCWD); and

Whereas; the designated Water Operator in Responsible Charge for the KPCWD is Lee Hardy; now,

Therefore be it resolved that the Town Supervisor be authorized to sign the necessary paperwork designating Kasey Christensen as a Water Operator in Responsible Charge for the KPCWD.

RESOLUTION #28-16

DECLARE 2011 FORD F-150 PICK-UP TRUCK AS SURPLUS

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

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

Whereas; the 2011 Ford F-150 is being replaced and no longer will no longer be needed; now,

Therefore; be it resolved that the 2011 Ford F-150 Pick-up Truck Vin #1FTFX1EF1BFC21549 be declared as surplus equipment; and, be it further;

Resolved that the Water/Sewer Department be authorized to advertise the sale of said F-150 pickup; with the proceeds from this sale be recognized as revenue as stated in the 2016 water and sewer adopted budgets.

RESOLUTION #29-16

2015 YEAR END BUDGET MODIFICATIONS

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

following was

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

Resolved the following 2015 Year End Budget Modifications be approved:

General A fund

From: 1990.4-Contingent	\$11,343.00
To: 1110.4 Town Board	\$ 170.48
1220.1 Supervisor	\$.40
1340.1 Budget	\$.26
1340.4 Budget	\$ 1,170.75
1410.1 Town Clerk	\$.44
1680.1 Data Processing	\$.22
5010.1 Highway Super.	\$.36
6510.4 Veteran Services	\$ 195.25
7310.4 Recreation	\$ 67.80
7510.1 Historian	\$.06
8160.4 Clean-up	\$ 636.07
9010.8 Retirement	\$ 9,021.91
9050.8 Unemployment	\$ 79.00

General B fund

From: 8020.4 Planning	\$2,720.12
To: 4020.1 Registrar	\$.12
8010.4 Zoning	\$1,919.00
9010.8 Retirement	\$ 801.53

Highway DB fund

From: 5142.4 Snow Removal	\$5,905.00
To: 5130.2 Equipment	\$5,905.00

Water fund

From: 1990.4 Contingent	\$54.00
To: 8310.1 Admin.	\$54.00

From: Water Routine Repair Reserve	\$9,672.00
To: 8340.4 Transmission/Distribution	\$9,672.00

Sewer fund

From: 1990.4 Contingent	\$2,600.00
To: 8110.1 Admin.	\$ 15.40
8120.1 Sanitary Sewers	\$ 635.00
8130.4 Treatment	\$1,940.00
9060.8 Health	\$ 9.00

From: Grinder Pump Reserve	\$4,458.00
To: 8189.4 Grinder Pump	\$4,458.00

RESOLUTION #30-16

2016 BUDGET AMENDMENT - D4K2 CAT DOZER

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

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

Whereas resolution #106-15 authorized the purchase of a new 2015 dozer the cost not to exceed \$105,000.00; and

Whereas a new 2015 Caterpillar D4K2 dozer at a cost of \$103,343.00 has been delivered to the Town Highway Department; and

Whereas the Town Board authorized the funds to be transferred out of the Highway Machine Reserve to encompass the expense of the new Caterpillar dozer;

Now, therefore, be it resolved that the funds be transferred out of the Highway Machine Reserve, and into the Highway DB to be amended as follows:

Increase 5031 Interfund transfer	\$103,343.00
Increase 5130.2 Machinery EQ	\$103,343.00

RESOLUTION #31-16

2016 BUDGET AMENDMENT - SUMMER RECREATION PROGRAM

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

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

Whereas, the Jerusalem Republican Committee donated \$500 to support the 2016 Summer Recreation Program; now, therefore, be it

Resolved that the 2016 general fund budget be amended as follows

Increase revenue	3820	\$500.00
Increase expense	7310.4	\$500.00

RESOLUTION #32-16

2016 BUDGET AMENDMENT - GENERAL OUTSIDE VILLAGE, CODE ENFORCEMENT

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

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

Whereas the current Code Enforcement Officer (CEO), John Phillips, advised the Town Board in fall, 2015 that he was retiring in early 2016;

Whereas the Town of Jerusalem needs a certified CEO;

Whereas the Town Board requested a subcommittee interview applicants and recommend a replacement and subsequently agreed to hire Zach DeVoe, with a hiring date between January 4th, and January 18th, 2016;

Whereas the newly hired Code Enforcement Officer needs time to train and become certified,

Whereas, funds will be appropriated out of the Unassigned Fund Balance (B917); now, therefore, be it

Resolved that the Town Board approve \$24,881.00 from the Unassigned Fund Balance to be expended out of the General Outside Village for Code Enforcement Salary (8010.1), Social Security/ Medicaid (9030.8), NYS Retirement (9010.8) and Health Insurance (9060.8).

RESOLUTION #33-16

AWARD 2015-2017 AUDIT

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

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

Whereas three quotes were received for the Town's 2015, 2016 and 2017 audit engagements as follows:

Bonadio & Co., LLP	2015	\$9,000
Pittsford, NY	2016	\$9,200
	2017	\$9,400

Raymond F. Wager, CPA, PC	2015	\$9,950
Henrietta, NY	2016 & 2017	will increase at a rate not to exceed 3% per year.

FreedMaxick	2015	\$9,100
Batavia, NY	2016	\$9,375
	2017	\$9,650

Resolved that the audit be awarded to the low bidder, Bonadio & Co., LLP; and, be it further

Resolved the Supervisor be authorized to execute the Engagement Letter from Bonadio & Co., LLP to perform the audit of the Town of Jerusalem as of and for the years ending December 31, 2015-2017.

RESOLUTION #34-16

AUTHORIZE SUPERVISOR TO SIGN WATER STUDY CDBG AGREEMENT AND CREATE BANK ACCOUNT

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

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

Whereas the Town is the recipient of \$50,000.00 in New York State Community Development Block Grant (CDBG) Economic Development/Small Business Program Award through the 2015 Consolidated Funding Application Project #583CP15-15; now, therefore, be it

Resolved the Supervisor be authorized to execute the Grant Agreement; and, be it further

Resolved the Supervisor be authorized to open a non-interest bearing checking account at Five Star Bank solely for the deposit and disbursement of NYS CDBG Project; and, be it further

Resolved that \$50.00 from Water Fund 8310.4 be used to open said account.

PUBLIC COMMENT

Taylor Fitch stated that he attended tonight's Board Meeting to observe the Elected Officials who he and the Town supported. It is rumored that there is dissention among Town officials and Town employees that is not good for the employees, the Town, or the Tax Payers. He suggested that somehow everyone learn to work together in a cooperative manner.

Ed Bronson stated there is a heroin problem in the Penn Yan-Dundee Area and a Task Force meeting on drug abuse is scheduled for February 8 at 1:00 P.M. at the County Building.

Yates County Soil & Water Conservation District is holding their annual Spring Tree & Shrub Sale.

RESOLUTION #33-16

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss a personnel matter, complaint received.

The Executive Session convened at 8:45 P.M.

The following information was provided by Councilor Jones.

RESOLUTION #34-16

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:53 P.M.

With there being no further business, on motion of Councilor
Dinehart, seconded by Councilor Parson, the meeting was adjourned
at 9:53 P.M.

Carol Goebel, Deputy Town Clerk

EXHIBIT 1

A local law "Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption"

SECTION 1. §143-6 of Chapter 143 of the Code of the Town of Jerusalem is hereby repealed and a new §143-6 is inserted in its place to read as follows:

§143-6. Eligibility Limits

In accordance with §467 of the Real Property Tax Law, real property owned by persons aged sixty-five years or older will be exempt from taxation to the extent shown below as determined by the owner or owners' corresponding annual income:

<u>Annual Income</u>			<u>Reduction</u>
\$0	to	\$14,000.00	50%
\$14,000.01	to	\$14,999.99	45%
\$15,000.00	to	\$15,999.99	40%
\$16,000.00	to	\$16,999.99	35%
\$17,000.00	to	\$17,899.99	30%
\$17,900.00	to	\$18,799.99	25%
\$18,800.00	to	\$19,699.99	20%
\$19,700.00	to	\$20,599.99	15%
\$20,600.00	to	\$21,499.99	10%
\$21,500.00	to	\$22,399.99	5%
\$22,400.00		or more	0%

This increase shall be effective with the 2016 assessment roll

SECTION 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 3. This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

TOWN OF JERUSALEM
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 17th day of February, 2016, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2016, entitled “Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption”. This local law would amend the real property tax exemption provisions relative to real property owned by persons aged sixty-five years or older.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

This by Resolution of the Town Board of the Town of Jerusalem.

Sheila McMichael, Town Clerk