

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 18, 2018 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tim Cutler, Doug Paddock, John Christensen; *Chronicle Express* Reporter.

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

RESOLUTION #74-18
CHANGES TO THE AGENDA

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved a second Executive Session be added to the agenda to discuss the Article 78 filing.

RESOLUTION #75-18
CHANGES TO THE AGENDA

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved the agenda be modified as follows:

1. Resolution regarding appointed Justice Todd Whitford pay for 2018 be modified and moved to after the Executive Session.
2. Resolution to have Terry Kwiecinski assist informal review of assessments be added under new business.

RESOLUTION #76-18
AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

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

General:	\$55,206.90
Outside Village	\$ 51.12
Highway DB:	\$7,714.11
Sewer:	\$39,649.81
Water:	\$8,841.75
Branchport Light	\$ 256.81
Trust:	\$ 5,551.00

March Utilities:

General:	\$ 1,206.41
Sewer:	\$ 223.27
Water:	\$ 390.88
Trust:	\$32,505.60

RESOLUTION #77-18

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that the minutes of the March 21, 2018 meeting be approved as read.

RESOLUTION #78-18

SUPERVISOR REPORT

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of March 2018 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Clean-up continues following the March 2nd heavy snow resulting in numerous downed trees.
- Road work on Williams Hill is underway as one of two roads remaining under the 2014 FEMA work.

TOWN ENGINEER

- Notes of the April 12, 2018 KPSW meeting on file in the Office of the Town Clerk.
- Six bids were submitted for the sanitary sewer rehabilitation capital project.
- The water capital project is under design.
- The Penn Yan Wholesale Water Partners meeting is April 26.

ASSESSOR

- Report on file.

- The Supervisor requested specificity in future reports.

COUNCIL

- Clean Up Day is Saturday, June 16.
- The Town Hall will close at noon on April 25th due to loss of power while the generator installation is completed.
- Lee Hardy has announced his retirement from the Water/Sewer Department in March 2019.
- The meeting with Attorney Graff to clarify Highway Law 130 and issuing building permits for structures to be built in the highway right-of-way resulted in suggested amendments to the Town Code. A subcommittee will be established to revisit and recommend specific changes.

Todd Whitford entered the meeting at 7:20 P.M.

SUPERVISOR

- We continue to gather public input from the Sewer #4 extension survey. Participation was encouraged.
- We will apply for a sizeable grant on the Sewer #4 extension to increase the probability of property owner referendum approval

COMPREHENSIVE PLAN SUBCOMMITTEE

Subcommittee Chair Cutler reported final changes were made to the community survey. The survey will be sent out following final edits. Councilor Stewart commended Mr. Cutler for the work he has done on this Subcommittee.

RESOLUTION #79-18

AWARD BID - SEWER REHAB CAPITAL PROJECT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas Town of Jerusalem (TOJ) has previously advertised request for bids for a sewer rehabilitation project listing specifications in newspaper and online, and

Whereas six bids were received for the work needed (attached), and

Whereas Larson Design Group (LDG) on behalf of the Town of Jerusalem, has reviewed the bids for the Keuka Park Sanitary Sewer Rehabilitation Project opened April 5, and

Whereas the apparent low bidder is National Water Main Cleaning Co. with a base bid of \$155,190.00 and

Whereas the submitted documents appear complete and Larson Design Group finds no reason not to award the contract to National Water Main Cleaning Co., and

Whereas TOJ Board has previously approved the named sewer rehabilitation project and budgeted funds for same, now

Therefore be it resolved that the contract for the Keuka Park Sanitary Sewer Rehabilitation Project be awarded to National Water Main Cleaning Co., for the amount of \$155,190.00.

RESOLUTION #80-18

BUDGET AMENDMENT - SEWER REHAB CAPITAL PROJECT

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Supervisor be authorized to open a capital projects bank account; and, be it further

Resolved \$172,500 be transferred from the Keuka Park Sewer Money Market to said capital projects bank account for the sewer rehabilitation project approved by Resolution #186-17.

INTERMUNICIPAL ASSISTANCE AGREEMENT BETWEEN MILO AND TOJ

The Milo Agreement will be on the May meeting agenda.

UPDATE ON UNSAFE STRUCTURE 4352 ITALY HILL ROAD

The Board was informed by Code Enforcement Officer DeVoe that significant improvements have been made to clean up 4352 Italy Hill Road.

INTRODUCTION INCOMING TOWN JUSTICE

Councilor Stewart introduced Todd Whitford who will assume the bench on May 16th.

RESOLUTION ##81-18

APPOINT COURT CLERK - CAROL WARREN

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas incoming Justice Whitford submitted paperwork to the 7th Judicial District for approval to hire Carol Warren, a relative (mother-in-law) per Resolution #72-18; now,

Therefore be it resolved that the Town Board approve the appointment of Carol Warren as Court Clerk, to begin duties concurrently with Justice Whitford, contingent upon approval of the 7th Judicial District.

RESOLUTION #82-18

PRIORITY LAKES VULNERABLE TO HARMFUL ALGAE BLOOMS (HABS)

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

WHEREAS, on December 21, 2017, Governor Cuomo unveiled his 12th proposal of the 2018 State of the State; and

WHEREAS, this proposal is entitled, "Protecting New York's Lakes from Harmful Algae Blooms": and

WHEREAS, within this proposal are identified twelve priority lakes that are vulnerable to harmful algae blooms (HABS) and are critical sources of drinking water and vital tourism drivers; and

WHEREAS, the proposal provides nearly \$60 million in grant funding to implement action plans created by Steering Committees; and

WHEREAS, Keuka Lake is not one of the twelve lakes identified in this proposal; and

WHEREAS, Keuka Lake is vulnerable to HAB's; and

WHEREAS, Keuka Lake is the primary source of drinking water for the Villages of Penn Yan and Dresden and townships of Benton, Jerusalem, Milo and Pulteney; and

WHEREAS, Keuka Lake is a vital tourism driver for the Village of Penn Yan and Yates County alike.

NOW THEREFORE BE IT RESOLVED THAT:

The Town Board of the Town of Jerusalem call upon Governor Andrews Cuomo, that New York State Senate and the New York State Assembly to expand the list of priority lakes in this proposal to include Keuka Lake.

The funding for Keuka Lake be included at the same level as the priority lakes already identified in this proposal.

Copies of this resolution be sent to Governor Andrew M. Cuomo, State Senator Thomas F. O'Mara, Assemblyman Philip A. Palmesano, Senate Majority Leader John J. Flanagan, Senate Democratic Conference Leader Andrea Stewart-Cousins, Senate Independent Democratic Conference Leader Jeffrey D. Klein, Assembly Speaker Carl E. Heastie, Assembly Majority Leader Joseph D. Morelle and Assembly Minority Leader Brian M. Kolb.

Copies of this resolution shall be forwarded to the parties listed below:

Keuka Lake Association (KLA)	Town of Torrey
Bluff Point Association	Town of Wayne
Keuka Watershed Improvement Cooperative (KWIC)	Town of Urbana
Town of Barrington	Town of Pulteney
Town of Benton	Village of Dresden
Town of Jerusalem	Village of Hammondsport
	Steuben County

RESOLUTION #83-18

STANDARD WORK DAY AND REPORTING RESOLUTION

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

ADOPTED Ayes 3 Anderson, Jones, Killen, Sisson
 Nays 1 Jones
 Abstain 1 Stewart

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:

Title	Name	Standard Work Day (Hrs/day)	Term	Employer Record of Time Worked	Days/Month
Supervisor	Patrick Killen	6	1/1/2018-12/31/2019	Y	14.58

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 15 days after the 30 day public posting period ends; to retain records of work activities for thirty (30) years; and to provide complete copies of the NYS Comptroller upon request.

RESOLUTION #84-18

New York Rural Water Association's 39th Annual Technical Training
Workshop & Exhibition 2018

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

WHEREAS, New York Rural Water Association is hosting their 39th Annual Technical Training Work & Exhibition, Monday, May 21, 2018 through Wednesday, May 23rd, 2018 at the Turning Stone Resort in Verona, New York.

WHEREAS, Operator contact hours are a requirement of the New York State Department of Health for recertification. Accreditation of Operator contact hours will be given for attendance.

WHEREAS; Instruction and Training in included in the 2018 Sewer/Water budgets;

Therefore be it resolved to authorize attendance of (1) person for the Sewer & Water Department to attend the New York Rural Water Association's 39th Annual Technical Conference & Exhibition 2018 at a cost not to exceed \$850.00 with costs being split between the 8120 and 8340 funds.

RESOLUTION #85-18

AUTHORIZE HIGHWAY DEPARTMENT PESH TRAINING

On a motion of Supervisor Sisson, seconded by Councilor Stewart, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Highway employees be authorized to attend mandatory PESH training to be held at the Benton Town Hall.

Resolution #86-18

AUTHORIZE ASSOCIATION OF TOWNS 2018 HIGHWAY SCHOOL

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Highway Superintendent be authorized to attend the Association of Towns 2018 Highway School on June 4-6, 2018 in Ithaca, NY at a cost of \$110.00, with the expense being funded by the 5010.4 account.

Resolution #87-18

AUTHORIZE HIGHWAY POWERS & DUTIES TRAINING

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Highway Superintendent Martin and Deputy Superintendent Hurd be authorized to attend the Cornell Local Roads 2018 Spring Workshop "Powers & Duties for Local Highway Officials" on May, 2018 at the Cayuga Heights Fire Department, Ithaca, New York at a cost of \$50/person. This expense to be funded 50% from the 5010.4 and 50% from the 5132.4.

RESOLUTION #88-18

Resolution to have Terry Kwiecinski assist informal review of assessments

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas Terry Kwiecinski performed extensive data collection as a part of our recent revaluation and has direct knowledge of most of the properties in the Town of Jerusalem, and

Whereas Terry Kwiecinski has agreed to assist with informal hearings from constituents regarding their assessed values at a rate of \$20 per hour, not to exceed 80 hours, and

Whereas the volume of constituents with questions is expected to be high, and

Therefore be it resolved we pay Terry K. \$20 per hour for up to 80 hours to answer questions and assist with informal review of assessed values.

PUBLIC COMMENT

- The County's audit indicates they are in good financial shape.
- West Lake Road culverts are being replaced by the County Highway Department.
- The County was asked to write a grant by attendees of the Waterfront Revitalization Plan meeting to expand the hiking/biking trail from the Finger Lakes Trail to the Dresden trailhead.

- Doug Paddock encouraged the Town to engage the services of an independent appraiser to set property values for the elected officials to eliminate conflict with the appointed assessor.
- The County broadband community survey continues. Data collected will be used for marketing to provide reliable services at an affordable price to our area.

RESOLUTION #89-18

MOVE TO EXECUTIVE SESSION

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved that this meeting be interrupted to enter into Executive Session to discuss the work history of a particular person.

Todd Whitford was invited to attend.

The Executive Session convened at 8:12 P.M.

The following was provided by Councilor Jones:

RESOLUTION #90-18

RETURN TO REGULAR SESSION

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:40 P.M.

RESOLUTION #91-18

Resolution regarding appointed Justice Todd Whitford pay for 2018 Supervisor offered the following, seconded by Councilor Stewart:

Whereas the Jerusalem Town Justice annual pay as set in organizational meeting and offered at time of interview and acceptance of position was noted as \$12,197.53 annually, (\$1,016.46 monthly) and

Whereas appointed Justice Todd Whitford will be covering a term commencing in April 2018 with completion of required training and said training began April 9th, and

Whereas appointed Justice Todd Whitford is attending a week of training from April 9th to April 13th, and

Therefore be it resolved that appointed Justice Todd Whitford should be paid $\frac{3}{4}$ of a month's pay for April 2018, ($\$1,016.46 \times .75$) which is \$762.35, and

Therefore be it resolved that appointed Justice Todd Whitford be paid \$1016.46 monthly each month beginning May 2018 continuing through December 2018.

Second to the motion withdrawn.

DISCUSSION

We are paying $\frac{3}{4}$ for April. May $\frac{1}{2}$ pay \$508.23

RESOLUTION #92-18

Amended Resolution regarding appointed Justice Todd Whitford pay for 2018

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

ADOPTED Ayes 4 Anderson, Killen, Sisson, Stewart
Nays 1 Jones

Whereas the Jerusalem Town Justice annual pay as set in organizational meeting and offered at time of interview and acceptance of position was noted as \$12,197.53 annually, ($\$1,016.46$ monthly) and

Whereas appointed Justice Todd Whitford is attending a week of training from April 9th to April 13th, and has been attending Court nights both in Jerusalem and in Village of Penn Yan since January to observe and train, and

Therefore be it resolved that appointed Justice Todd Whitford should be paid $\frac{3}{4}$ of a month's pay for April 2018, ($\$1,016.46 \times .75$) which is \$762.35, while training this month and

Therefore be it resolved that appointed Justice Todd Whitford be paid \$1016.46 monthly each month beginning June 2018 continuing through December 2018.

Therefore be it resolved that per direction of Chief Justice Dollinger, Interim Justice Conlon will serve as Justice until 9 am, May 16th, and appointed Justice Whitford assume duties at 9:01 am, May 16th.

Therefore be it resolved that appointed Justice Whitford be paid ½ month salary for May 2018, \$508.23 (1/2 month's pay).

RESOLUTION #93-18

MOVE TO EXECUTIVE SESSION

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved that this meeting be interrupted to enter into Executive Session to **discuss the Article 78 filing.**

The Executive Session convened at 9:04 P.M.

RESOLUTION #94-18

RETURN TO REGULAR SESSION

On a motion of Councilor Stewart, seconded by Councilor Sisson, the following was

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:15 P.M.

RESOLUTION #95-18

AUTHORIZE SUPERVISOR TO ENGAGE ATTORNEY

Resolved the Supervisor be authorized to engage an attorney at \$290.00 per hour to represent the Town for the Article 78.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Sisson, the meeting was adjourned at 9:17 P.M.

Sheila McMichael, Town Clerk

2018 Sewer Rehabilitation Capital Project

Bid Results

National Water Main Cleaning Co.	\$155,190
Kenyon Pipeline Inspection, LLC	\$201,750
Insight Pipe Contracting, LLC	\$223,464
Layne Inliner, LLC	\$183,967
Skandex Pipe Services, Inc.	\$170,600
Arnold Construction Co., Inc.	\$199,210