

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 15, 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, John Christensen; *Chronicle Express* Reporter, Bev Eggleston, Wyatt Walters, Grace Roberts, Blake Roberts.

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

CHANGES TO THE AGENDA

Supervisor Killen moved the Summer Recreation Program report to the first item on the agenda.

PRESENTATION - BEV EGGLESTON, SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Supervisor, along with campers Wyatt Walters, Grace Roberts and Blake Roberts reported on the 2018 summer program. Approximately 75 campers enrolled this year. The campers commented on their favorite activities and commended the staff for doing a good job. Mystery Monday was a successful addition to the program that included a blind-folded taste test, talent show and trust walk. Campers were able to enjoy several sightings of bald eagles. Program evaluations were positive and are on file with the Town Clerk.

RESOLUTION #130-18

APPROVAL OF MINUTES

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 minutes of the July 18, 2018 meeting be approved as read.

RESOLUTION #131-18

AUDIT OF CLAIMS

On a motion of Councilor Anderson, seconded by Councilor Stewart, 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:	\$12,773.17
Outside Village	\$ 8,031.15
Highway DB:	\$45,951.37
Branchport Light:	\$ 256.81
Sewer:	\$38,442.43

Water: \$ 3,198.50

July Utilities:

General: \$ 1,531.11
Outside Village: \$ 337.13
Highway DB: \$ 6,799.22
Sewer: \$ 341.32
Water: \$ 795.45
Trust: \$32,120.15

Councilor Jones questioned the Riley & Graff invoice. The constituent concern regarding their tax payment should have been discussed with the Tax Collector to respond instead of incurring legal expenses from Attorney Graff.

RESOLUTION #132-18

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 July 2018 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- We did not sustain any flooding or damage during the recent heavy rain storms.
- Oil and stoning will begin next week. Stever Hill is being prepped for full reclamation.
- Supervisor Killen will check on a response from Attorney Graff dating back to July regarding Mill Street.
- Highway Superintendent Martin requested he be contacted directly about installing the historical signs and noted the Highway Department does not own an auger. Supervisor Killen will try to borrow one to install the Branchport Trolley sign this fall.
- Supervisor Killen requested the Highway Department assist with hauling of the harvested starry stonewort invasive species again this year.

ITALY FRIEND ROAD

Doug Stowell submitted his concerns to the Town regarding the Town's portion of Italy Friend Road and suggested striping the road as a remedy. Increased traffic and speed on the road were also

discussed. Highway Superintendent Martin noted maintaining the lines will be an ongoing expense to the Town. Yates County estimated material costs at \$2,000 to stripe the road. Supervisor Killen will obtain the associated labor cost to have Yates County stripe Italy Friend Road and request the Sheriff's speed monitoring trailer be placed there.

RESOLUTION #133-18

ITALY FRIEND ROAD DOT SPEED STUDY

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

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

Whereas Doug Stowell presented the Town of Jerusalem with concerns regarding travel on Italy Friend Road; and

Whereas following considerable discussion, the Board deemed it necessary to have DOT conduct a speed study on Italy Friend Road; now, therefore, be it

Resolved that a NYSDOT form TE-9a be submitted to the Yates County Highway Superintendent for further consideration.

TOWN CODE CHAPTER 93. PRIVATE ROAD SPECIFICATIONS

A private road application for a distillery at 3137 Yoder Hill was approved by the Planning Board. Town Code Chapter 93 Highway and Private Road Specifications were discussed as the Highway Superintendent and Planning Board Chair disagree on the intent of Section 93-26. H. Turnaround. The need to amend the Town Code for clarification was referred to Committee.

RESOLUTION #134-18

3137 YODER HILL DISTILLERY PRIVATE ROAD

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

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

Whereas on August 2, 2018 the Planning Board approved the Private Road Application for Susan Quade, 3137 Yoder Hill Road allowing the required turnaround to be part of the existing driveway; and

Whereas following tonight's discussion, it has been determined the turnaround must be part of the private road; now, therefore, be it

Resolved Planning Board Chair Cutler contact Ms. Quade to explain the need to amend the Planning Board's approval to make the turnaround part of the private road; and, be it further

Resolved Highway Superintendent Martin contact the involved contractor.

TOWN ENGINEER

- Notes of the August 2, 2018 KPSW meeting and August 10, 2018 Emergency KPSW meeting on file in the Office of the Town Clerk.
- The 2019 KPSW preliminary budget and rates are done.
- Councilor Stewart stated his appreciation for the extra effort by the KPSW staff to rectify recent problems with the tank filling.

ASSESSOR

- Report on file.
- The Board requested specificity in future reports.
- Councilor Jones will inquire about the need to collect pictures when the Code Enforcement Officer has already taken them.

COUNCIL

- The Code Enforcement Committee is meeting tomorrow to review fees. Town Clerk McMichael was invited to attend.
- Applications to expand non-conforming structures continue to come before the Zoning Board.
- Councilor Jones read a Statement of Facts regarding the recent Letter to the Editor into the record (attached). Councilor Stewart expressed his dissatisfaction on the way business is conducted and recommended no further letters to the editor.

SUPERVISOR

- Budget work is underway. Workshops will be scheduled.
- The Peasantman Triathlon is August 19th.
- The starry stonewort invasive species will be harvested again this year.

SUBCOMMITTEE REPORT:

COMPREHENSIVE PLAN REVIEW

Subcommittee Chair Cutler is seeking a consultant to assist with the Comprehensive Plan review process. The Community Survey will be launched on Survey Monkey next week.

RESOLUTION #135-18

HIGHWAY STORAGE BARN MATERIAL

On a motion of Councilor Jones, seconded by Councilor Sisson, the

following was

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

Whereas three quotes were received from Knapp & Schlappi, HEP North Main Lumber and Carey's Farm & Home Center for materials to construct a 60' x 100' x 16' Storage Barn for the Highway Department; and

Whereas the quotes were reviewed by the Highway Committee and Knapp & Schlappi was determined to be the best value; now, therefore, be it

Resolved Highway Superintendent Martin is authorized to purchase building materials from Knapp & Schlappi in an amount not to exceed \$48,000 as budgeted in account code DB1620.4 due to current fluctuating material prices.

RESOLUTION #136-18

PROVISIONAL APPOINTMENT - KPSW WATER SYSTEM OPERATOR/WASTEWATER MAINTAINER

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

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

Whereas a Water System Operator/Wastewater Maintainer has announced his approximate retirement on March 31, 2019; and

Whereas, the Yates County Personnel Department provided seven eligible candidates for said position to Ray Stewart, Keuka Park Sewer & Water Committee Chairman for consideration; and

Whereas the Sewer & Water Committee selected four candidates for interview for said position; and

Whereas the Sewer & Water Dept. of Ray Stewart, Lee Hardy, Kasey Christensen and Wayne Ackart have interviewed the four candidates on August 8, 2018; and

Whereas the KPSW Department, after due deliberation, agreed that the most qualified candidate for said position is Bradley J. Donovan; now, therefore be it

Resolved that the provisional hiring is contingent upon passing necessary physical exam for town employment; taking the January 2019 Civil Service exam and receive authorization from civil Service for permanent appointment for said position; passing the

Grade C Operator's Certification Course and being so certified by the NYSDOH; and the satisfaction of any other normal legal and procedural requirements for the hiring of new town employee; starting Tuesday, September 4th, 2018; and, be it further

Resolved that the starting pay rate per hour be \$16.00.

RESOLUTION #137-18

Town Office Carpet Cleaning

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

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

Whereas the Town of Jerusalem Office carpets are in need of cleaning; and

Whereas two written quotes for carpet cleaning have been obtained, one from Natural Carpet Care for \$477, and one from Clean & Green for \$365; now

Therefore be it resolved that the Supervisor be authorized to accept Clean & Green's quote and have them clean TOJ Office carpets, at a date to be determined.

RESOLUTION #138-18

Empire Access Phone/Internet Contract Renewal

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

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

Resolved the Empire Access Phone/Internet Contract be renewed.

RESOLUTION #139-18

2018 BUDGET AMENDMENT - POMEROY GRANT - TROLLEY DEPOT SIGN

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

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

Whereas, the Town was awarded the Pomeroy grant to assist with the purchase and installation of the Branchport Trolley Depot sign;

NOW BE IT RESOLVED that the 2018 general fund budget be amended as follows

Increase revenue	2770	\$1,100.00
Increase expense	7510.4	\$1,100.00

RESOLUTION #140-18

ADVERTISE FOR BIDS - WATER 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

Whereas the Town Board retained Larson Design Group to prepare plans and specifications to coat the interior and exterior of Tank#2 located in Keuka Park as part of the Water System Improvements Scope (Resolution #51-18), and

Whereas the NYSDOH has approved said plans and specifications,

Now, therefore be it resolved that the Town Clerk and Larson Design Group are hereby authorized to advertise the above project for public bid and provide all notices as required.

Resolution #141-18

Resolution to recognize Jane Ackerman Peck, and name August 18, 2018 as Jane Ackerman Peck Day

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

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

Whereas Jane Ackerman Peck is an esteemed resident of the Town of Jerusalem; and

Whereas Jane Ackerman Peck was born on August 18th, 1918, and she will be 100 years old on August 18th, 2018; and

Whereas she has resided in the same house in Branchport since 1947; now

Therefore be it resolved that August 18th, 2018 be declared Jane Ackerman Peck Day in the Town of Jerusalem.

PUBLIC COMMENT

- Yates and Schuyler County will share a Director of Public Health.
- Numerous applications have been received for the Yates County Administrator position.
- Yates County submitted a letter of support for Jerusalem's grant application on the proposed sewer district extension.

- Mark Morris, Keuka Lake Association will make a presentation on the Nine-Element Watershed Plan at the September Town Board meeting.
- DEC is presenting a water quality summit at Keuka College on Monday, August 20th.
- In response to two questions from John Christensen; the use of the term "pocket veto" in the Letter to the Editor and what Town Law allows the Supervisor to negate an agenda item before the Town Board, Supervisor Killen explained it was not his intent to have it interpreted that way. The term was used as a concise way to make his point.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Anderson, the meeting was adjourned at 8:40 P.M.

Sheila McMichael, Town Clerk

Statement of Facts

The reference to NYS Committee on Open Government OML-AO-4875 allows a person at a public meeting to use cell phones to transmit what is said at meetings to persons who are not in attendance. Per Bob Freeman, NYS Committee on Open Government Executive Director, Supervisor Killen could listen to the meeting over a cell phone, but could not participate in the meeting as a member of the Board.

Supervisor Killen made the motion establishing the IT Liaison stipend in 2014. He became the IT Liaison after Carrie Wheeler resigned. Only available 2 days/week, Thursdays and Fridays, makes it difficult to have computer calls answered timely.

Switzerland Inn— Supervisor Killen had prior knowledge of the Switzerland Inn septic system failure beginning in March when the KWIC Board first discussed it. A draft letter was sent to the KWIC Board members for comment. Supervisor Killen and Pulteney Supervisor Mark Illig were the only 2 opposed to the DEC Comment Letter.

Supervisor Killen seconded the motion at the Town Board meeting to submit a letter as KWIC desired.

With regard to the letter to the Editor, he stated:

There was little time to consider the implications of the letter or draft our own. Supervisor Killen had prior knowledge of the letter well in advance to receiving it the day before the June Town Board meeting. He failed to provide the Board with any discussion by the KWIC Board.

In closing, I commend Josh Trombley. He has an alternative system designed that eliminates the discharge into the lake and I understand may have gained additional parking for his patrons.

I stand firm. I am against ANY septic system designed by an engineer that discharges into OUR lake until such time as the engineer draws a glass of water, which has been treated and drinks it.