

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 19, 2007 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Barden, Folts, Hopkins, Stewart, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Max Parson, Bill Pringle, Cynthia Geertson, Ron Rubin, Larry & Kathy Muscarella, Gary & Jan Molyneaux, Jim Bird, Neil Simmons, Dave Wegman, John Sciarabba, Ed Seus and other unidentified guests.

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

RECOGNITION - COUNCILPERSON BARDEN

Supervisor Jones took this opportunity to thank Councilperson Barden for his years of service to the Town as his term expires December 31st, noting his significant contributions to the Uniform Dock & Mooring law, the Comprehensive Plan and the Town's web site. He has also been an asset on the KPSW Committee and served previously as a member on the Zoning Board of Appeals.

RESOLUTION #174-07

APPROVAL OF MINUTES

On a motion of Councilperson Barden, seconded by Stewart, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the minutes of the November 14, 2007 meeting be approved as read.

PUBLIC HEARING - TO ESTABLISH THE "GRINDER PUMP REPAIR RESERVE FUND OF KEUKA PARK SEWER DISTRICT #2"

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:04 P.M., asking for comments on the proposed resolution establishing the Sewer #2 Grinder Pump Repair Reserve fund. He clarified the reserve fund is specific to Sewer District #2 because this is the only district where the Town owns and maintains the grinder pumps. Town Engineer Ackart added that the Town collected \$23/quarter during 2007 and we need to formally establish a repair reserve fund for these monies. We have spent approximately \$13,000 to date on parts and labor for repairs and the remaining \$12,000 collected will be the initial contribution to the reserve fund. Establishing a repair reserve fund was recommended by our auditor. Ackart elaborated on the types and frequency of repairs, noting that if the problem is clearly identified as owner abuse, the owner is liable for the repair cost, and it is not a cost to the entire district. The \$23/quarter is visited annually as part of the budget process to determine the exact charge.

The public hearing was left open.

PRESENTATION - PROPOSED HARBOR VIEW TOWNHOUSES, 42 WEST LAKE ROAD, BRANCHPORT

Dave Wegman, John Sciarabba of Land Tech Surveying & Planning and George Sproule discussed the merits of a proposed residential development at 42 West Lake Road, Branchport with the Town Board. The project consists of townhouse units for sale that will be built in the area of the existing metal storage barns currently used for the marina operation. These units will be serviced by existing public water and an expanded leach field that currently exists on the property. Each unit will utilize two parking spots and have views of the lake. This project will work in harmony with both the existing marina operation and the charter boat Esperanza Rose. The existing parking lot used for the patrons of Esperanza Rose will be modified to accommodate the leach field expansion. A Home Owners' Association controlled by the New York State Attorney General will be formed for purchasers of the units. Mr. Wegman and Mr. Sproule will maintain the outside and the infrastructure of the units. Townhouse units are not an allowed use in the Branchport Service Park under current zoning. This project was presented to the Jerusalem Planning Board on October 4, 2007 and was well received.

Numerous questions were received that included the septic system, building aesthetics, elevation, lot coverage, creating a home owners' association, selling price, drainage, time line, and parking.

Supervisor Jones will contact Town Attorney Bailey to obtain his input on how to proceed with this request. The Town Board will need to consider amending the zoning law to allow this project as a regular permitted use or a special permitted use in the Branchport Service Park.

RESOLUTION #175-07  
AUDIT OF CLAIMS

On a motion of Councilperson Folts, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Barden, Folts, Jones, Hopkins, Stewart
	Nays	0	

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

General	\$16,718.37
Highway DA	\$22,459.14
Highway DB	\$11,330.87
Water	\$ 2,016.29

Sewer \$29,607.31

November Utilities: General	\$5,608.54
Sewer	\$ 541.31
Water	\$1,264.95
Brnpt. Light	\$ 257.00

RESOLUTION #176-07

SUPERVISOR'S REPORT

On a motion of Councilperson Stewart, seconded by Councilperson Folts, the following was

ADOPTED	Ayes	5	Barden, Folts, Jones, Hopkins, Stewart
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of November 2007 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

Written report on file in the office of the Town Clerk.

TOWN ENGINEER

- Town Engineer Ackart explained the water capital charges in response to a question from Bill Pringle. Capital charges are to pay the current debt outstanding for each district. Capital charges could fluctuate in proportion to any added customers and/or newly issued debt. Once consolidation was passed, the total outstanding debt owed was then divided by the current number of EDU's for all districts. The annual water capital charge for 2008 is \$254 for the consolidated water district.
- Ackart commented on the fee schedule to be presented for approval tonight, noting that this is a coordinated and well thought out proposal. Review of the fees will now be part of the annual budgeting process.
- Ackart stated the Town has had ongoing dialogue with Douglas Bugner, 443/444 East Bluff Drive regarding the single water and sewer connections at these properties. He has requested the Town grandfather the water and sewer connections that will allow the existing services. This property owner came before the Zoning Board of Appeals for Area Variance Application #896 and a condition of the approval granted by the Zoning Board was for Mr. Bugner to notify the Keuka Park Water & Sewer Department of the separate deeds and tax parcel numbers and abide by the Keuka Park Sewer and Water District Rules & Regulations for servicing of the two lots. Supervisor Jones will inform Mr. Bugner of the Zoning Board's condition of approval and instruct him to contact the Keuka Park Water & Sewer Department to connect the water and sewer to the separate dwellings.

RESOLUTION #177-07

ADOPTION - KEUKA PARK WATER/SEWER DEPARTMENT FEE SCHEDULE

On a motion of Councilperson Stewart, seconded by Councilperson Barden, the following was

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart  
Nays 0

Resolved that the following fee schedule be adopted for the Keuka Park Water/Sewer Department:

<b>PROPOSED 2008 KEUKA PARK WATER/SEWER DEPARTMENT FEE SCHEDULE</b>		
<b>WATER FEE SCHEDULE</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
APPLICATION FEE	350	350
**CONNECTION FEE	0	Current District Capital Charge x #EDU's
TURN OF/OFF	35	25
METER (new and/or replacement)	175	200
PERMIT RENEWAL	0	50***
*HOURLY RATE	0	25/HOUR
*WEEKEND CALL IN	50	75
*PARTS	COST	COST
RETURN CHECK	20	20
RELEVY FEE	0	5% of relevy amount or \$50.00, whichever is greater

<b>SEWER FEE SCHEDULE</b>	<b>CURRENT FEE</b>	<b>PROPOSED FEE</b>
APPLICATION FEE	300	350
**CONNECTION FEE	0	Current District Capital Charge x #EDU's
TURN ON/OFF	0	25
PERMIT RENEWAL	0	50***
*HOURLY RATE	0	25/HOUR
*WEEKEND CALL IN	50	75
*PARTS	COST	COST
RETURN CHECK	20	20
RELEVY FEE	0	5% of relevy amount or \$50.00, whichever is greater

\*These fees would only apply to repairs made due to customer negligence or request. Hourly rate would only apply if outside the normal working hours and will be in addition to the weekend call in fee.

\*\*Connection fee will apply to property that does not pay capital. Fee will be equal to the current capital charge for that district multiplied

by the number of EDU's. They will also be charged an application fee in addition to the connection fee.

\*\*\*Water and Sewer Permits are valid for 90 days. Permits may be renewed 1 time for a total of 180 days. After 180 days, the original permit will become void, and the applicant will need to re-apply for water and/or sewer connection permit and pay an additional application fee (\$350.00).

#### COUNCIL

- Councilperson Stewart and Program Director Bev Eggleston will coordinate the submission of the Annual Report for our 2007 Recreation Program. There has been a delay in receiving the paperwork from the County due to the Youth Bureau Director position being vacant.
- Councilperson Hopkins stated Town Justice Ann Killen held her last night of court. Supervisor Jones will send Justice Killen a letter thanking her for her service to the Town.

#### SUPERVISOR

- Supervisor Jones reported on the December 12<sup>th</sup> meeting of the five municipal "partners" of Penn Yan water; Milo, Benton, Dresden, Pulteney and Jerusalem. The partners have come together to address a number of issues related to purchasing water from Penn Yan. The next meeting is tentatively set for January 7.
- Town Attorney Bailey sent a letter to Attorney Don Schneider following up on the sidewalk issues with the Conklin residence on Main Street, Branchport. The Town Board is addressing concerns related to the sidewalk be obstructed that does not allow public use of the sidewalk.
- Councilperson Stewart instructed Supervisor Jones to inform all effected Jerusalem residents, especially those in Indian Pines and St. Michael's Cemetery, of the adoption of the sidewalk maintenance local law and their responsibility to maintain them now.

#### SUBCOMMITTEE REPORTS

- Councilperson Barden reported the Subdivision Subcommittee cancelled their last meeting due to the weather. The Town of Gorham Code Enforcement Officer will be presenting the pros and cons of subdivision in an agricultural community to the Subcommittee.
- Wind Farm Subcommittee member Neil Simmons reported they met December 5 and will meet again in January. They have targeted the end of March to hold a public informational meeting. Notification will be given to property owners within 2,000 feet of the area the subcommittee is considering to locate wind farms by mail, along with the normal advertising.
- Slopes Subcommittee member Folts stated the draft regulations have been presented to the Planning Board for their review.

RESOLUTION #178-07

BUDGET AMENDMENT - INSURANCE RECOVERY CHECK

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Whereas, the Town's 2004 Chevrolet pickup (blue extended cab) was involved in an accident on November 19, 2007 with a deer; and

Whereas, the Town's insurance company has paid the Town to have the damage repaired;

BE IT RESOLVED that the 2007 General budget be amended as follows  
Revenue code 2680 be increased \$ 4163.23  
Expense code 8010.4 be increased \$ 4163.23

RESOLUTION #179-07

SCHEDULE PUBLIC HEARING AND AUTHORIZE GML 239 REFERRAL TO YATES COUNTY - PROPOSED LOCAL LAW G-2007 AMENDING ZONING LAW SECTION 160-73

On a motion of Supervisor Jones, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that a Public Hearing be held at the January 16, 2007 Town Board meeting at 7:00 P.M. on proposed Local Law G-2007 amending zoning law Section 160-73; and, further

Resolved that a GML 239 Referral be submitted to the Yates County Planning Board for review on said local law and, further

Resolved that the Town Clerk advertise for said Public Hearing in a manner consistent with law.

RESOLUTION #180-07

ZONING BOARD APPOINTMENT - MIKE STEPPE

On a motion of , seconded by , the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that Mike Steppe be appointed to fill the unexpired term of Bob Fox on the Zoning Board through December 31, 2007

RESOLUTION #181-07

PLANNING BOARD APPOINTMENT - JIM BARDEN

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

DENIED	Ayes	2	Hopkins, Stewart
	Nays	2	Folts, Jones
	Abstain	1	Barden

Whereas there will be a vacancy on the Planning Board when Neil Simmons takes office on the Town Board; and

Whereas Jim Barden has stated his interest in serving on the Planning Board when his term expires on December 31, 2007; now, therefore, be it

Resolved that Jim Barden be appointed to the Planning Board to fill the unexpired term of Neil Simmons through December 31, 2012.

DISCUSSION - FILLING BOARD VACANCIES

There was a lengthy discussion on filling board vacancies. Many times, our advertising efforts bring little or no community interest in serving on our boards. Neil Simmons expressed the need to have a diverse representation on our boards. Maintaining an active agricultural presence within the town was identified as a priority in the Comprehensive Plan and he feels it is important that there be agricultural representation on the boards. Councilperson Hopkins stated we need people to look at the welfare of the whole community.

RESOLUTION #182-07

ADVERTISE PLANNING BOARD VACANCY

On a motion of Councilperson Hopkins, seconded by Councilperson Folts the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Whereas there will be vacancy on the Planning Board as of January 1, 2008 when Neil Simmons takes office on the Town Board; now, therefore, be it

Resolved that we advertise for candidates to serve on the Planning Board, accepting applications through January 4 and making the appointment at the January 16, 2008 Town Board meeting.

TOWN BOARD COMMITTEE STRUCTURE

Supervisor Jones e-mailed the 2008 committee assignments to the Town Board. It was suggested we may want to rotate members on a monthly or quarterly basis, but it was felt this would require continual re-educating and updating to catch up on what has

transpired and what the ultimate goal is. The Supervisor assigns committees annually and can make necessary changes at that time.

RESOLUTION #183-07

CLOUGH HARBOR CONSULTING AGREEMENT - AUTHORIZE SUPERVISOR TO SIGN

On a motion of Councilperson Stewart, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart  
Nays 0

Resolved that the Supervisor be authorized to execute the 2008 Municipal Consulting Agreement to provide consulting engineering services to the Town, if needed.

RESOLUTION #184-07

CODE ENFORCEMENT OFFICER TEMPORARY COVERAGE

On a motion of Councilperson Hopkins, seconded by Councilperson Stewart, the following was

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart  
Nays 0

Whereas, an extreme family illness has befallen John Phillips, Code Enforcement Officer; and

Whereas several individuals have offered to cover for John during his absence. They are:

John Welch, previous Milo CEO  
John Griffin, Benton CEO  
Don King, Potter CEO  
Reggie O'Hearn, Naples CEO  
Dick Thompson, New York State for any code questions

Now, therefore, be it resolved the Town Board approves utilizing services from these CEO's and Supervisor Jones is hereby authorized to make arrangements as needed to ensure code enforcement coverage for the Town.

RESOLUTION #185-07

YEAR-END BUDGET TRANSFERS

On a motion of Councilperson Folts, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart  
Nays 0

Resolved that the following budget amendments be accepted as presented:



General

From 1990.4 Contingent Account \$ 4,491.45

To:

1110.4 Justice	\$1,765.69
1220.1 Supervisor	\$ .18
1340.1 Budget	\$ .10
1340.4 Budget	\$1,939.39
1355.1 Assessor	\$ .20
1410.4 Clerk	\$ 45.60
5010.1 Highway	\$ .20
8010.1 Zoning	\$ .22
8010.4 Zoning	\$ 193.77
8020.1 Planning	\$ 407.33
9010.8 Retirement	\$ 138.77

Highway DB

From 9901.9 Interfund Transfer \$ 13,918.89

To:

5110.4 General Repairs	\$ 1,965.51
5140.4 Brush	\$ 140.89
5142.4 Snow Removal	\$11,812.49

ADULT ENTERTAINMENT REGULATION AMENDMENTS

It was the consensus of the Town Board to have Supervisor Jones schedule a meeting with Attorney Jason DiPonzio to discuss the Adult Entertainment Regulation amendments.

PUBLIC COMMENT :

- Max Parson thanked the Highway Department for the nice job done plowing during the recent storms.
- There was a lengthy discussion regarding Mr. Parson's comment about Jerusalem's equalization rate, the community meetings being held by Town Assessor Comstock to discuss the inequity in the State's process to determine equalization rates and its impact on our town. The stated Level of Assessment on the Town's 2007 assessment roll is 84.00. In the calculation of the tentative 2007 equalization rate, the State conducted a sales ratio study that included 175 residential sales from a four-year time period to estimate a market value (last half of 2003, 2004, 2005 and first half of 2006). This resulted in the State's tentative equalization rate of 73.76. The Assessor filed a rate complaint objecting to our equalization rate because many of the sales in the Town were on the shoreline and not a proportion of upland sales to counter the shoreline. Also, the State selected the 175 sales and the rate complaint included many, many more (100+) that were not selected. They responded that they

accounted for this by stratifying the sales in their ratio study into assessed value intervals. It was their opinion that the sales study accurately measured the market value of the residential class. The State Board of Real Property Services recommended no change to the full value estimate of the town and no change in the equalization rate of 73.76.

RESOLUTION #186-07

CLOSE PUBLIC HEARING - SEWER #2 GRINDER PUMP RESERVE

On a motion of Supervisor Jones, seconded by Councilperson Barden, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the Public Hearing be closed at 9:50 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #187-07

ADOPTION - RESOLUTION ESTABLISHING THE "GRINDER PUMP REPAIR RESERVE FUND OF KEUKA PARK SEWER DISTRICT NO. 2" UNDER SECTION 6-d OF THE GENERAL MUNICIPAL LAW

On a motion of Supervisor Jones, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

WHEREAS:

- (1) The Town of Jerusalem operates the Keuka Park Sewer District Extension No. 2, and
- (2) Each of the 279 properties presently served by the District is equipped with a grinder pump that is owned by the District, and
- (3) From time to time some of these pumps require repair or replacement at the cost of the District, and
- (4) In order to even out the cost of such repairs and replacements in the annual budgets of the District, the creation of a reserve fund would be beneficial;

NOW THEREFORE, The Town Board of the Town of Jerusalem, duly convened in regular session, does hereby resolve as follows:

SECTION 1. That there be and hereby is established a repair reserve fund in the amount of \$75,000 for the future repair of grinder pumps in Keuka Park Sewer District No. 2 (the "District").

SECTION 2. That such fund is to be known as the "Grinder Pump Repair Reserve Fund of Keuka Park Sewer District No. 2."

SECTION 3. That the maximum amount to be held in such fund at any time shall be the sum of \$75,000.

SECTION 4. That out of the surplus moneys of said District now on hand for the year 2007 and not otherwise appropriated, the sum of \$12,000 be and the same hereby is appropriated for the "Grinder Pump Repair Reserve Fund of Keuka Park Sewer District No. 2," and the Supervisor of the Town is hereby authorized, empowered and directed to transfer from surplus funds of said District the sum of \$12,000 to the fund.

SECTION 5. That such additional sums as may hereafter be appropriated shall become part of the fund.

SECTION 6. That the moneys in the fund shall be deposited in a separate bank account in a commercial bank having offices in Yates County.

SECTION 7. That no expenditure shall be made from the fund except that the Supervisor is hereby authorized to expend from the fund such amounts as may be necessary and reasonable to pay for the repair and replacement of grinder pumps owned by Keuka Park Sewer District No.2.

SECTION 8. This resolution shall take effect immediately.

With there being no further business, on a motion of Supervisor Jones, seconded by Councilperson Hopkins, the meeting was adjourned at 9:57 P.M.

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Sheila McMichael, Town Clerk