

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 19, 2011 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Town Attorney Bailey, Town Clerk McMichael, Town Engineer Ackart.

GUESTS: John Christensen, Chronicle Express reporter, Ed Seus, Melanie Steenberg, Dennis Karalow, George Sproule, Peter Gamba, Doug Paddock, Donna Alexander, Richard Ackerman, J.C. Smith.

EXCUSED: Highway Superintendent Payne.

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

Supervisor Jones stated Congressman Tom Reed will be holding a public meeting on January 29th at 12:00 N.

RESOLUTION #29-11

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved that the minutes of the December 15, 2010 meeting be approved as read.

RESOLUTION #30-11

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved that the minutes of the January 5, 2011 Special meeting be approved as read.

RESOLUTION #31-11

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved that the minutes of the January 5, 2011 Organizational meeting be approved as read.

RESOLUTION #32-11

AUDIT OF CLAIMS

On a motion of Councilperson Folts, seconded by Councilperson

Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
 Nays 0

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

General:	\$ 4,094.55
Outside Village	\$ 209.17
Highway DB:	\$ 304.40
Sewer:	\$ 882.54
Water:	\$43,516.78

2010 Year End:

General:	\$14,840.54
Highway DA:	\$ 120.00
Highway DB:	\$10,676.09
B'port Light:	\$ 363.86
Water:	\$40,136.10
Sewer:	\$32,630.60
Trust:	\$34,495.83

December Utilities:

General:	\$ 2,445.09
Sewer:	\$32,141.62
Water:	\$ 660.10
Trust:	\$88,193.20
Highway DA	\$ 300.00
Highway DB	\$ 2,400.00

RESOLUTION #33-11

2010 YEAR END TRANSFERS

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
 Nays 0

Resolved that the following 2010 Year End budget transfers be approved:

General

From 1990.4 Contingent Account \$ 13,651.85

To:

1010.4 Town Board	\$.44
1340.4 Budget	\$ 100.49
1355.1 Assessor	\$.13
1410.1 Clerk	\$.18
1680.4 Data Proc.	\$ 298.53
1920.4 Municipal Dues	\$1,100.00
3310.4 Traffic Control	\$2,085.11

3510.4 Dog Control	\$ 59.88
3989.4 Public Safety	\$ 985.59
7310.4 Recreation	\$ 285.33
8010.1 Zoning	\$.15
8020.1 Planning	\$ 224.70
8389.4 Watershed	\$ 745.00
9050.8 Unemployment	\$ 154.28
9060.8 Health/Dental	\$7,612.04

Highway DA

From 5142.4 Snow Removal	\$1,354.65
To:	
9010.8 State Retirement	\$ 422.25
9060.8 Health/Dental	\$ 932.40

Sewer

From 8120.4 Sanitary Sewer	\$18,698.24
To:	
8130.4 Treatment	\$18,698.24 (PY CODE)
From 1990.4 Contingent	\$13,900.00
To:	
8020.1 Sanitary PS	\$ 757.60
8130.4 PY	\$8,685.94
9010.8 State Retirement	\$2,751.34
9030.8 SS/Med	\$ 56.83
9060.8 Health/Dental	\$1,648.28

Water

From 1990.4 Contingent	\$5,342.58
To:	
8340.1 Transmission	\$ 757.60
9010.8 State Retirement	\$2,751.34
9030.8 SS/Med	\$ 57.59
9060.8 Health/Dental	\$1,648.28
9789.7 Debt Interest	\$ 127.77

RESOLUTION #34-11

SUPERVISOR REPORT

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

ADOPTED Ayes 5 Folts, Parson, Jones, Simmons, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of December 2010 be accepted as presented.

PUBLIC HEARING – PROPOSED LOCAL LAW A OF 2011 – ADMINISTRATIVE FEE

REIMBURSEMENT

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:06 P.M., asking for comments on the proposed local law providing for reimbursement of professional consultation fees.

Town Engineer Ackart suggested adding "fiscal, accounting services" to the consultants list contained in Section 1.A. in light of the anticipated sewage works corporation with the townhouse project.

In response to a question from George Sproule, it was explained the Town has the right to retain a consultant for fiscal services.

Doug Paddock asked if it includes reimbursement for employees of the Town. Attorney Bailey responded the intent is to include professional employees such as the Town Engineer, but not the Town Board or Highway, etc.

The different percentages for the escrow deposits listed in Section 2. were questioned. Attorney Bailey explained this wording came from a model local law and he would check into the reasons for the different percentages.

Doug Paddock asked if this was an "open check book" as there were no maximum fees and/or charges noted in the law. The escrow amount will depend on the project complexity.

Attorney Bailey explained he worked from several model laws to create what he believes to be a succinct clearer law. We will roughly know what the escrow amount will be in advance.

The fees are collected by the Town Clerk.

George Sproule asked when is the need and how much determined. Councilperson Folts stated the Town can hire and charge the developer if the Town Attorney can't do it. It was clarified this would include both the Town Attorney and Town Engineer.

Supervisor Jones stated he feels the tax payers should not be paying for professional services that benefit a developer, which is why he brought this law forward. Mr. Sproule stated this will deter development which actually benefits the tax payers by adding to the tax base

A lengthy discussion ensued regarding Section 2. Escrow Accounts. It seems unfair to charge a fee to review things if staff is already on the payroll as a professional. If the employee is salaried, they would not get paid any more money for the additional time they are working. If the staff is already on board with the

needed capabilities, it should be a Town service. If the additional hours required on a project infringe on staff's ability to do their work, the Town should be paid for the additional hours. If a project is too big or we do not have the expertise and need to hire another professional to do the work, the Town should be reimbursed.

The recently enacted subdivision law includes reimbursement for professional fees.

The public hearing was left open.

Town Officials:

Town Engineer:

- Minutes of the January 10, 2011 Water/Sewer Committee meeting are on file.
- East Bluff Drive residents have petitioned the Town to extend water and sewer services.
- Three firms are being considered to provide engineering, planning, and environmental consultation and advice to the Town on an as needed/authorized annual basis. Proposals are due January 28th.
- The Finger Lakes Museum Facilities Committee spent the last two days interviewing design teams for the project.
- Attorney Bailey will incorporate Keuka College in the rate schedule.

COUNCIL

- The Branchport Hamlet Master Plan Steering Committee for the \$32,000 Community Planning Grant held a Discovery/Vision Session on January 12th. The objective of the session was to identify specific issues, opportunities and assets for the Hamlet area. A recommendation to engage the services of Matt Ingalls Planning & Design will be coming forward to the Town Board.
- Yates County's allocation for workers' compensation to the Towns is under review. Councilperson Simmons stated the Town is requesting a quote for worker's compensation coverage from our insurance carrier, L.D. Sprague Insurance.
- Yates County is also reviewing options for the allocation of elections costs. The Election Commissioners are putting information together for presentation to all Town Boards.
- The Zoning Board considered one variance application at their January 13th meeting.
- The Planning Board accepted the proposed site plan for a new dock at 495 Mill Street.

RESOLUTION #35-11

SCHEDULE PUBLIC HEARING – ONE-YEAR MORATORIUM ON DRILLING IN THE MARCELLUS SHALE

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
Nays 0

Resolved that a Public Hearing be held at the February 16, 2011 Town Board meeting at 7:00 P.M. on proposed Local Law B-2011 imposing a one year moratorium on drilling for natural gas within the Marcellus Shale; and, be it further

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

DISCUSSION: A lengthy discussion ensued on the timing of the moratorium given all the current activities related to Marcellus Shale drilling. Strong support for the moratorium was received from the Keuka Citizens Against Hydrofracking and they expressed their appreciation to the Town Board for their initiative and vision on this matter. It was noted the Town needs to actively address hydrofracking regulations if a moratorium is passed. Peter Gamba is Jerusalem's representative to the Yates County Marcellus Shale Task Force.

RESOLUTION #36-11

DENY YATES COUNTY REQUEST FOR REIMBURSEMENT OF KEUKA MAID LEGAL BILL

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

ADOPTED Ayes 4 Folts, Jones, Parson, Simmons
Nays 1 Stewart

Whereas on November 1, 2010 the Penn Yan Mayor requested assistance from Yates County to keep the Keuka Maid boat from relocating from the Town of Urbana to the shorefront of Sarrasin's restaurant; and

Whereas, Yates County incurred legal expenses totaling \$5,532.65 during this process, along with the operational costs of Highway and Sheriff Department responses; and

Whereas the Yates County Administrator requested the Town of Jerusalem share in said legal costs along with the Town of Milo and the Village of Penn Yan; now, therefore, be it

Resolved that the Town of Jerusalem deny reimbursement to the County in the amount of \$1,383.16 for legal fees; and, be it further

Resolved that the Town of Jerusalem will reconsider our position if the Town of Milo and the Village of Penn Yan reconsider theirs; and, be it further

Resolved that the Supervisor draft a letter to the Yates County Administrator advising her of our action.

DISCUSSION: Councilperson Stewart did not feel the reconsideration clause was necessary.

COLD WAR VETERANS EXEMPTION

The list of names has been provided to the Assessor to determine the financial impact to the Town to extend the exemption to cold war veterans.

UNSAFE STRUCTURE – 3884 ITALY HILL ROAD

The Code Enforcement Officer has reported the demolition of the residence located at 3884 Italy Hill Road is anticipated in 4-6 weeks when the dumpster will be delivered.

RESOLUTION #37-11

SCHEDULE INTERVIEW WITH SPECIAL COUNSEL FOR TOWNHOUSE PROJECT

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
Nays 0

Whereas special counsel is desired for the proposed sewer works corporation relating to the Harborview townhouse project; and

Whereas Town Attorney Bailey has identified and received a Legal Services Agreement to provide the necessary expertise from the law firm of Miller, Mannix,, Schachner & Hafner, LLC of Glens Falls, New York; now, therefore, be it

Resolved that Town Attorney Bailey schedule an interview with Attorney Hafner for the Town Board prior to acceptance of his proposal.

SUBCOMMITTEE REPORTS:

OPEN SPACE & RENEWABLE ENERGY COMMITTEE:

Committee Chair Deb Koop will make a presentation to the Town Board at the February meeting.

The Committee held a successful meeting in January with Finger Lakes Museum officials to discuss their Stewardship Program to protect the viability of our unique region. Councilperson Stewart noted the two groups are very compatible in their thoughts and ideas.

54A ZONING REVIEW SUBCOMMITTEE:

The Subcommittee is planning a public workshop at Keuka College in March. Property owners along the 54A corridor from Indian Pines to

Branchport will be invited.

ASSESSMENT SUBCOMMITTEE

Assessor Alan Comstock submitted his resignation as the Elected Assessor effective December 31, 2010. Mr. Comstock is willing to work as an Acting Assessor at an hourly rate of \$20.00, 8:30-11:30, Monday through Friday until the position is filled.

RESOLUTION #38-11

ACTING ASSESSOR – SUBMIT DUTIES STATEMENT AND APPOINTMENT

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
Nays 0

Whereas Alan Comstock submitted his resignation letter as the Elected Assessor for the Town effective December 31, 2010; and

Whereas Town Attorney Bailey completed a New Position Duties Statement for an Acting Assessor; now, therefore, be it

Resolved that the Supervisor be authorized to sign and submit the New Position Duties Statement; and, be it further

Resolved that Alan Comstock be appointed as Acting Assessor at an hourly rate of \$20.00 effective upon approval of the duties statement by the Yates County Personnel Director; and, be it further

Resolved that the Acting Assessor office hours will be 8:30-11:30, Monday through Friday. A time record will be submitted for payroll purposes for the hours worked.

ASSESSOR INFORMATION:

Councilperson Simmons stated elected assessors are generally good with figures and well-liked in the community. Qualifications for assessors now require more training and certifications. Currently in New York State, there are 11 towns with sole elected assessors compared to 841 towns with a sole appointed assessor. Based on information gathered, an appointed assessor is desirable due to present regulations and required schooling. Our assessor has historically been involved in numerous projects such as roads, windmills, etc.

RESOLUTION #39-11

SCHEDULE PUBLIC HEARING – PROPOSED LOCAL LAW – CHANGING FROM ELECTED TO APPOINTED ASSESSOR

On a motion of Councilperson Simmons, seconded by Councilperson Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart

Nays 0

Resolved that a Public Hearing be held at the February 16, 2011 Town Board meeting at 7:05 P.M. on proposed Local Law C-2011 changing from elected to appointed Assessor; and, be it further

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

YATES COUNTY MARCELLUS SHALE TASK FORCE

The Task Force is scheduled to meet on February 16.

RESOLUTION #40-11

BRANCHPORT HAMLET MASTER PLAN STEERING COMMITTEE

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart
 Nays 0

Resolved that resident J.C. Smith be named a member of the Branchport Hamlet Master Plan Steering Committee for the \$32,000 Community Planning Grant.

RESOLUTION #41-11

SUNSHINE FUND

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

DEFEATED Ayes 2 Jones, Stewart
 Nays 3 Folts, Parson, Simmons

Resolved that total contributions by the Town Board members to the Sunshine Fund be established at \$720.00 per year.

DISCUSSION: Councilperson Stewart took blame for the low attendance at the Christmas Party due to the late notice because of a scheduling conflict at the Esperanza, but noted the party was not supported by the Town Board either. He originally started the social event to thank the various Board members and employees for the work they do on behalf of the Town and to provide an opportunity for them to introduce themselves to each other. The Sunshine Fund is also used for flowers and cards for various occasions because Town funds can not be utilized for those expenditures. Councilperson Simmons noted he donated wine for the party in the past and was out of town and unable to attend this year's party.

RESOLUTION #42-11

AMEND COMMITTEE LIST

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved the Sunshine Fund Committee be removed from the Town Board committee list due to the discontinuation of the Sunshine Fund.

RESOLUTION #43-11

STATE BID PRICES

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved that State bid prices are to be utilized.

ANNUAL ACCOUNTING – SUPERVISOR’S BOOKS

The Annual Accounting of the Supervisor’s books was conducted.

ANNUAL ACCOUNTING – TOWN JUSTICE’S BOOKS

The Justice Committee will perform the Annual Accounting of the Justice’s books.

RESOLUTION #44-11

CLOSE PUBLIC HEARING PROPOSED LOCAL LAW A OF 2011 – ADMINISTRATIVE FEE REIMBURSEMENT

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

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Resolved that the Public Hearing be closed at 9:28 P.M. and that the Board return to regular session.

A meeting with Town Attorney Bailey will be scheduled to discuss comments from tonight’s public hearing on the proposed Professional Fee Reimbursement Local Law. Minor changes to the law will not require another public hearing.

With there being no further business, on a motion of Councilperson Stewart, seconded by Councilperson Parson, the meeting was adjourned at 9:30 P.M.

Sheila McMichael, Town Clerk