

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 20, 2011 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Parson, Simmons, Stewart, Highway Superintendent Payne, Town Clerk McMichael, Town Attorney Bailey, Town Engineer Ackart.

GUESTS: Jeff Arnold, Mike Steppe, Ron Kenville, George Sproule, Doug Paddock, Jim Fitzgibbons, Bob Evans, Peg Thompson, Dundee Observer reporter and Jon Christensen, Chronicle Express reporter,

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

RESOLUTION #114-11

APPROVAL OF MINUTES

On a motion of Councilor Folts, seconded by Councilor Simmons, the following was

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

Resolved that the minutes of the June 15, 2011 regular meeting be approved as read.

RESOLUTION #115-11

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 7, 2011 special meeting be approved as read.

RESOLUTION #116-11

AUDIT OF CLAIMS

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

ADOPTED	Ayes	4	Folts, Jones, Parson, Stewart
	Nays	0	
	Abstain	1	Simmons

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

General:	\$ 27,024.99
General OV:	\$ 9,873.74
Highway DA:	\$ 12,859.33
Highway DB:	\$ 45,420.62
Sewer:	\$ 7,965.30
Water:	\$177,568.97
June utilities: General:	\$ 1,386.78

General OV:	\$	40.18
Sewer:	\$	30,972.97
Water:	\$	495.64
Trust:	\$	27,243.64

RESOLUTION #117-11
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of July 2011 be accepted as presented.

PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE - 5388 WEST BLUFF DRIVE:

Supervisor Jones opened the public hearing to consider a highway encroachment license request for 5388 West Bluff Drive. The owners, Jeff and Jane Arnold have requested permission to keep and maintain the encroaching structures in their present location before purchase of the property. Mr. Arnold displayed a map depicting the location of the structures for the Board's review. Town Attorney Bailey explained the terms of the proposed agreement. Highway Superintendent Payne had submitted a written report on his findings that the preliminary determination indicates that such encroachment does not adversely impact upon the users of the town (Resolution #108-11).

RESOLUTION #118-11

CLOSE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE - 5388 WEST BLUFF DRIVE

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

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

Resolved the public hearing to consider a highway encroachment license request for 5388 West Bluff Drive be closed at 7:15 P.M.

RESOLUTION #119-11

GRANT HIGHWAY ENCROACHMENT LICENSE - 5388 WEST BLUFF DRIVE

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

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

WHEREAS Jane Arnold, owning property at 5388 West Bluff Drive, in the Town of Jerusalem has applied for permission to continue and maintain so much of her residential structure at that location as lies within the bounds of West Bluff Drive as per the survey map prepared by Jeremy Years and filed with the Town Clerk, and

WHEREAS the Highway Superintendent has reported that his opinion is that the encroaching structure does not interfere with the use of West Bluff Drive, and

WHEREAS pursuant to Town Law §130 (7) (g) a hearing was duly held by this Town Board on July 20, 2011, and

WHEREAS notice of the hearing was given in accordance with law,

NOW THEREFORE BE IT RESOLVED:

1) That the Town Board finds that the encroaching structure at 5388 West Bluff Drive do not interfere or impede the use of West Bluff Drive at the present time; and

2) That the Supervisor is hereby authorized to execute and deliver the License Agreement with Jane Arnold granting a license to continue and maintain the encroaching structures pursuant to §130(7) in the form presented to this meeting, a copy of which is made a part hereof.

This License Agreement, made this 20th day of July, 2011, by and between Jane Arnold, owning property at 5388 West Bluff Drive, Keuka Park, Town of Jerusalem, New York, hereinafter referred to as "Owner," and The Town of Jerusalem, having offices at 3816 Italy Hill Road, Branchport, New York 14418, hereinafter referred to as the "Town."

W I T N E S S E T H:

WHEREAS, the Owner is the owner of premises known as 5388 West Bluff Drive, Keuka Park, Town of Jerusalem, New York, and the Town maintains a purported 49.5 ft Right of Way known as West Bluff Drive, Town of Jerusalem, New York; and

WHEREAS, a survey prepared by Years Boundary, dated March 3, 2011, for the Owner discloses an encroachment of a two story frame house, patio and gravel drive (the "Encroachment") extending over the said West Bluff Drive's Highway Right of Way Line.

NOW, therefore, in consideration of one dollar and other good and valuable consideration paid by the parties of the second part to the parties of the first part, it is agreed as follows:

1. That the Town hereby grants unto the Owner a License to allow the Encroachment to remain as presently located, as more particularly shown on the aforementioned instrument survey.
2. That the Owner agrees that in the event the Encroachment is destroyed or is removed, it will be reconstructed totally within the lot lines of said 5388 West Bluff Drive, Keuka Park, Town of Jerusalem.
3. That the Owner, its successors and assigns, shall have the reasonable right to enter upon the lands of the Town, during the term of this License, for the purpose of maintaining the Encroachment. Other than the permission hereby granted, Owner makes no claim and will make no claim of ownership or other interest in that portion of the right of way owned by the Town of Jerusalem on which the Encroachment is situated.
4. The Owner shall not permit any damage to be caused to the Right of Way maintained by the Town. The Owner shall release and hereby agrees to indemnify the Town from any and all liability for damage or injury to persons or property resulting from the Encroachment located in the right-of-way of the Town.
5. This License shall constitute a mutual and reciprocal agreement and shall run with the land and shall, in all respects, be binding upon the parties hereto, their respective legal representatives, distributees, and assigns.

HARBORVIEW TOWNHOMES PROJECT:

Town Engineer Ackart presented a summary of the Special Town Board meeting held July 14, 2011 outlining the Board's legal responsibilities and procedures governed by sewage works corporation legislation. The Harborview Townhomes project requires approval from the Town Board for both the sewage works corporation and the storm water agreement. Substantial progress has been made on the outstanding issues, but not to the point of satisfaction for Attorneys Bailey and Hafner to advise the Board to grant their approval. The solutions to the concerns are not all on paper in detail yet. Supervisor Jones offered to hold a special Town Board meeting if necessary prior to the August 17th meeting to move this project along.

OFFICIALS REPORTS:

HIGHWAY SUPERINTENDENT

- July 2011 Highway Budget report on file. Fuel costs continue to be a concern.

RESOLUTION #120-11

ADVERTISE BID FOR SPREADER

On a motion of Councilor Folts, seconded by Councilor Simmons, the following was

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

Nays 0

Resolved that the Highway Superintendent is hereby authorized to place an ad in the Town's official paper for the purpose of receiving sealed bids for a new 14' material spreader; and be it further

Resolved if a bid is awarded, the funds for this purchase have been approved in account DA5130.2 of the Highway Budget.

TOWN ENGINEER:

- Notes of the July 12, 2011 KPSW Subcommittee meeting on file.
- The Penn Yan/Jerusalem Sewage Disposal Committee meeting is scheduled August 12th at 8:00 A.M.
- A special meeting will be scheduled for our financial consultant to present the Keuka College Water and Sewer Charge Allocation discussion outline to the Town Board.

RESOLUTION #121-11

ADVERTISE FULL-TIME WATER AND SEWER MAINTAINER POSITION:

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

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

Whereas a fulltime employee is retiring March 1, 2012

Whereas the Water and Sewer Committee desires to hire a fulltime Water and Sewer Maintainer starting October 1, 2011

Whereas the water and sewer department operates 24 hours, 7 days per week, 365 days a year;

Whereas currently there are currently 1076 water services, 643 sewer connections; 280 grinder pumps; 2 sewer lift stations; 2 chemical feed systems; 3 water storage tanks with chlorination stations, approximately 27.5 miles of water mains, and approximately 11.6 miles of sewer mains;

Whereas the total replacement value of the water system is estimated at \$13,300,000.00

Whereas the total replacement value of the sewer system is estimated to be \$8,650,000;

Whereas the 2011 adopted water budget is \$986,427.00

Whereas the 2011 adopted sewer budget is \$1,078,553.00

Whereas the water and sewer committee is seeking a long term employee to eventually oversee routine operation of the water and sewer system;

Whereas a fulltime water and sewer maintainer is a competitive position and requires that the new employee be tested and certified by Yates County Civil Service;

Whereas the NYS Civil Service Exam for a water and sewer maintainer has been scheduled for January 7, 2012;

Whereas the NYS Health Department has notified the Town Supervisor that written notification must be submitted to the NYS Health Department by no later than March 1, 2012 indicating the Operator(s) in Responsible Charge of the facility;

Whereas the operator responsible in charge must hold a valid certification equal to or greater than that required for the classification of the distribution system;

Whereas the required classification of the Keuka Park Water Distribution System is a Class C and D Certification;

Whereas the NYS Health Class C Certification takes a minimum of 6 months operating experience and the Class D Certification requires a minimum of one year operating and maintenance experience;

Whereas the employee will be required take a Grade C Course for a minimum of 18 hours and a Grade D course for a minimum of 15 hours;

Whereas the NYS Health Department will require the employee to take a written, oral, and practical skills validated examination to determine the applicants skills, knowledge, ability and judgment and will have the final determination for approval or disapproval of certification;

Therefore be it resolved that the Town Board advertise to hire a full time employee starting October 1, 2011 and be it further resolved that the expense of hiring the new full time employee be split between evenly between the water and sewer funds at a total cost not to exceed \$16,000.00 for the year 2011.

RESOLUTION #122-11

ADVERTISE FULL-TIME WATER AND SEWER MAINTAINER POSITION:

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

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

Resolved the Town Board advertise to hire a full time water and sewer maintainer starting January 1, 2012.

COUNCIL:

- Jerusalem will continue to participate in the County's Workers' Compensation program. Councilor Simmons will attend the County Government Operations Committee meeting in September to further discuss the premium allocation currently utilized.
- The Zoning Board considered three applications. One was denied due to excessive lot coverage and the other two were approved.
- The Planning Board would like to have the ability to engage the services of an engineer when needed for site plan review applications at the applicant's expense. The Planning Board will work with their committee and present a resolution at the August meeting.

SUPERVISOR:

- Lights at the Town Hall and Town Barn will be retrofitted on Monday as a cost saving measure following our energy audit.
- The public hearing scheduled for tonight on the unsafe structure at 2958 Route 54A, Bluff Point, tax map 72.74-1-7 has been postponed. The owner was issued a demolition permit on July 7 and work has begun at the site. Code Enforcement Officer will be asked to follow up and get a completion date.

COMMITTEE REPORTS:

ZONING REVIEW/54A SUBCOMMITTEE:

A meeting will be scheduled in August to review the consultant's report following the public meeting held June 7.

YATES COUNTY MARCELLUS SHALE TASK FORCE:

No report.

TOJ HYDROFRACKING IMPACT STUDY COMMITTEE:

The TOJ Hydrofracking Impact Study Committee has scheduled a presentation entitled, "Natural Gas Drilling - Issues and Impact: A Balanced Discussion" on July 26th at Keuka College Library from 7:00 to 9:00 P.M.

Presenters include:

Dr. Tony Ingraffea, prominent scientist and one of the developers of high-pressure, slick water hydrofrack drilling in the 1990's. Dr. Ingraffea is a professor at Cornell and has researched and experienced the issue from the onset of its modern day usage in the country.

Mr. Steve Coffman, author, researcher and one of the original founders of *The Committee to Preserve the Finger Lakes*. Mr.

Coffman will present his analysis of the economic impact that mining, and natural gas drilling will have on the region. Dr. Scott Cline a representative of the Independent Oil and Gas Association of New York. The energy companies' representative will address drilling and land use from the industry's perspective.

ASSESSMENT COMMITTEE:

The Town Board interviewed the three final Assessor candidates.

CONSERVATION/RENEWABLE ENERGY SUBCOMMITTEE:

No report.

WIND FARM SUBCOMMITTEE:

Draft regulations are not finalized yet.

HAZARD MITIGATION PLAN:

County Legislator Paddock requested copies of any record of public input on the proposed Hazard Mitigation Plan be sent to the County.

RECREATION PROGRAM:

- The State informed us they now require 2 EMTs on staff for our summer recreation program which will result in additional costs to our 2012 program while the State continues to reduce funding.
- The Town Board was invited to the Recreation Program Ice Cream Social on August 3rd.
- County Legislator Paddock stated the Town of Italy voted to waive their program funding. Those monies will be forthcoming to Jerusalem.

RESOLUTION #123-11

2011 BUDGET AMENDMENT

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

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

Whereas, the 2011 Recreation program allocated \$ 3000 towards expenses within the general fund, and

Whereas, the Jerusalem Republican Committee donated \$ 325.00 towards the recreation program; now, therefore, be it

Resolved that the 2011 General Fund be amended as follows:
Expenditure 7310.4- (Recreation Contractual) increased \$325.00

RESOLUTION #124-11

RECREATION PROGRAM DONATION

On a motion of Councilor Simmons, seconded by Supervisor Jones, the

following was

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

Whereas, the Town of Jerusalem received a letter from Yates County giving notice of a decrease in funding for the Town's recreation program, and

Whereas, the Jerusalem Republican Committee donated \$ 325.00 towards the recreation program, and

Whereas, the Town would like to send a thank you note to the Jerusalem Republican Committee for such donation; now, therefore, be it

Resolved that the Town Supervisor will forward a thank you to the Jerusalem Republican Committee.

RESOLUTION #125-11

APPOINT RECREATION STAFF

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

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

Resolved the Recreation employees be appointed as follows:

Caitlyn Eggleston, Recreation Leader	\$ 8.85
Kris Wilber, Recreation Assistant	\$ 8.85
Lisa Race, Recreation Assistant	\$ 8.85
Robert Ross, Recreation Assistant	\$ 7.60
Cassie Gillette, Recreation Assistant	\$ 7.60
Rebekah Catlin, Recreation Assistant/EMT	\$12.00

RESOLUTION #126-11

COMPUTER PASSWORD POLICY

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

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

Whereas computer systems are provided to employees for the purpose of aiding the employee with the performance of their job;

Whereas these computers systems must be secure;

Whereas the computers are and must remain to be password protected;

Whereas it is necessary to assure that passwords are securely utilized;

Whereas the computer technician for the Town has recommended that the Town of Jerusalem amend the employee policy to ensure appropriate security of the computer systems owned by the town;

Therefore be it resolved the following paragraph be inserted to section 511 of the employee handbook as a paragraph appearing in Computer Systems after the paragraph Usage;

Password Policy- Any Town Employee given authorization to utilize a computer system owned by the Town will be required to create a password for that computer. This password will not be recorded in any way. No employee shall share their password. The employee will be required to change the password at least every 180 days. In the event that a town official requires access to town computer, they will contact the system administrator; who in turn will reset the password for their access.

Whereas the town server has the capability; upon being activated, to automatically run the Towns password policy;

Be it further resolved to amend the paragraph titled Towns Right to Monitor Computer Systems and Equipment as below.

Town's Right to Monitor Computer Systems and Equipment

There is no guarantee of privacy when using Town-owned computer systems and equipment. The Town reserve the right to enter, search, and monitor employee communications equipment and files, with or without advance notice, at any time in the normal course of business. Department Heads have the authority to inspect the contents of any computer equipment, data/files, or electronic mail ("E-mail") of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Heads and supervisors may be inspected by the Town Supervisor in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored or deleted on such systems, including items that are password protected. Additionally, the Town has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every e-mail message and file transfer into and out of the Town's network. The Town may also monitor each employee's Internet activity and usage patterns to ensure that the Town's resources are being utilized for appropriate business purposes. ~~Any employee who is required to have a password must submit that password to the employee to the employees Department Head.~~

Therefore be it resolved that Ted Miller with STI Company Team be

authorized to install and activate a password policy on the server for a total cost not to exceed \$200.00; with this expense being funded evenly by 8110.4, 8310.4 and 1680.4.

And be it further resolved that the employee handbook section 511 be updated as stated above.

RESOLUTION #127-11

APPOINTMENT - WATER/SEWER DEPARTMENT HEAD:

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

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

Whereas Gary Dinehart was appointed department head of the Water and Sewer Department for a term of six (6) months;

Whereas the appointment expired June 30, 2011;

Whereas the Water and Sewer Department currently has no Department Head;

Therefore be it resolved to appointed Gary Dinehart department head for the Water and Sewer Department for an additional six (6) month period.

RESOLUTION #128-11

ESTABLISH MILEAGE REIMBURSEMENT RATE

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

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

Resolved that mileage rates for Town officials and employees be set in accord with the Internal Revenue Service recommended rate of 55.5 cents per mile effective July 1, 2011.

RESOLUTION #129-11

ORGANIZING ASSESSOR RECORDS

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

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

Whereas the records for the assessor's office need to be filed and organized; now, therefore, be it

Resolved the town board authorizes the transfer of five hundred

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dollars from .1 assessor's budget to .1 personnel services budget to pay Elli Lambert and/or Carol Goebel at their normal rate of pay to assist Elaine Nesbit to organize and file the records in the assessor's office.

SYRACUSA PROPERTY

The Highway Committee will contact Mrs. Syracuse regarding the possible purchase of their land adjacent to our gravel pit.

With there being no further business, on a motion of Councilor Simmons, seconded by Councilor Stewart, the meeting was adjourned at 9:20 P.M.

Sheila McMichael, Town Clerk