

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 18, 2012 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Payne, Town Engineer Ackart.

GUESTS: Peter Gamba, Bob Evans, Matthew Piczak, John Piczak, Rob Martin, John Phillips and several other unidentified guests.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:05 P.M.

RESOLUTION #27-12

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the minutes of the December 14, 2011 Special meeting be approved as read.

RESOLUTION #28-12

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the minutes of the December 14, 2011 meeting be approved as read.

Supervisor Jones made mention the last paragraph of Resolution #213-11 to engage a land use attorney to review the proposed Local Law H-2011 zoning amendment was not part of his motion as he questions how many attorneys need to review this law.

RESOLUTION #29-12

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Folts, Jones, Killen, Parson
	Nays	0	
	Abstain	1	Steppe

Resolved that the minutes of the January 4, 2012 Organizational meeting be approved as read.

RESOLUTION #30-12

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

2011 Year End:

General: \$ 9,706.25
Outside Village: \$ 539.22
Highway DA: \$12,837.20
Highway DB: \$20,311.00
Water: \$ 2,418.60
Sewer: \$ 7,566.56

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

General: \$10,282.36
Outside Village \$15,955.96
Highway DB: \$ 291.97
Sewer: \$ 1,001.98
Water: \$35,486.50
Branchport Light \$ 265.63

December Utilities:

General: \$ 2,603.74
Sewer: \$ 30,364.70
Sewer Reserve: \$218,000.00
Water: \$ 467.85

RESOLUTION #31-12

2011 YEAR END TRANSFERS

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

Resolved that the following 2011 Year End budget transfers be approved:

General

From 1990.4 Contingent Account \$4,508.32

To
1410.1 Town Clerk \$.46
1420.4 Attorney \$1,369.08
7510.4 Historian \$ 2.78
9010.8 Retirement \$3,136.00

General B

From 9060.8 BCBS	\$1,419.29
To	
4020.1 Registrar	\$.54
8020.1 Planning	\$ 804.98
9030.8 SS/ Med	\$ 613.77
From 8010.2 Zoning	\$ 224.51
To	
4020.4 Registrar	\$ 68.51
9010.8 Retirement	\$ 156.00
From 8020.4 Planning	\$1,271.15
To	
8010.4 Zoning	\$1,271.15

Highway DA

From 9060.8 BCBS	\$ 156.00
To	
9010.8 Retirement	\$ 156.00

Highway DB

From 9060.8 BCBS	\$ 156.00
To	
9010.8 Retirement	\$ 156.00

Water

From 9060.8 BCBS	\$ 472.00
To	
9010.8 Retirement	\$ 472.00
From 8340.2 Transmission	\$2,308.69
To	
8340.1 Transmission	\$ 886.05
8340.4 Transmission	\$1,422.64

Sewer

From 1990.4 Contingent	\$ 850.99
To	
8120.1 Sanitary	\$ 850.99
From 9060.8 BCBS	\$ 472.00
To	
9010.8 Retirement	\$ 472.00

RESOLUTION #32-12
SUPERVISOR REPORT

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

ADOPTED	Ayes	4	Folts, Jones, Killen, Steppe
	Nays	0	
	Abstain	1	Parson

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

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Payne stated approximately \$95,000 unexpended funds were mainly due to the amount of flooding this year that did not allow them to complete all the road work he budgeted for. He will look to reduce these funds in future years based on trending.
- Councilor Parson commended Payne and the Highway Department on the great job done; noting his accomplishment staying below budget shows restraint on spending.

TOWN ENGINEER:

- Meetings continue with the Village of Penn Yan to discuss the 1995 Sewer Agreement.
- The new high volume user billing for Keuka College worked well.
- Town Engineer Ackart requested a meeting with Attorney Bailey to address updating the Procurement Policy, standardizing reimbursement issues within the Town Code and establishing the KPSW extension petition process.

COUNCIL:

Councilor Folts instructed Supervisor Jones to send a letter to the Modeste Bedient Memorial Library and Vince Bedient stating our appreciation in demolishing the structure at 3705 Route 54A.

SUPERVISOR:

- Supervisor Jones read the following public notice into the record:

NOTICE IS HEREBY GIVEN To the taxpayers in the Town of Jerusalem of an error in transcription on the 2012 County/Town tax bills which would have been mailed by Jan. 1, 2012. This error does not affect a calculation of any tax rate, or any dollars due. These two columns are informational only.

The column labeled Total Levy (for County Tax) should read

12,784,935. In the next column labeled % Change From Prior Year the number should be 2.8(%) .

If you have any questions, please contact Yates County Real Property Tax Office.

- The Town Board will enter into executive session at the end of the meeting.

SUBCOMMITTEE REPORTS:

YATES COUNTY MARCELLUS SHALE TASK FORCE:

Task Force member Peter Gamba stated they continue to look at the impact of Marcellus Shale and Utica Shale drilling. Mr. Gamba and Jim Mark are looking at "a host community agreement", gathering data that will address the effects that the industry will have on agriculture, tourism, wineries and other businesses to understand the costs to the communities of the Heavy Industry coming to Yates County.

RESOLUTION #33-12

REFER TO TOWN ATTORNEY - PROPOSED LOCAL LAW F-2011 WIND FARM REGULATIONS

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved the three (3) comments/recommendations from Yates County Planning Board following review of our wind farm regulations be referred to Town Attorney Bailey to incorporate into proposed Local Law F-2011.

PROPOSED LOCAL LAW H-2011 ZONING AMENDMENT - HIGH IMPACT INDUSTRIAL ACTIVITY

Comments sent to Supervisor Jones today from the Association of Towns on proposed local law H-2011 will be copied to the Town Board, Planning Board, Zoning Board, TOJ Hydrofrack Impact Study Committee and Town Attorney Bailey tomorrow.

PUBLIC COMMENT – FENCE REGULATIONS

Matt Piczak, 559 Assembly Avenue requested the Town Board enact legislation regulating fences following the erection of his neighbor's alleged "spite" fence. Pictures were displayed and information packets distributed to the Board. While the Town reduced Mr. Piczak's property assessment due to the fence, the ability to sell his property is also impacted. This has become a safety issue as materials such as barbed wire have been added to the fence, posing a danger to our community. Mr. Piczak appeared before the Planning Board in October 2011 when this matter was in litigation.

Councilors Folts and Killen will work with Planning Board Chairman Bob Evans drafting fence regulations.

Attorney Bailey will draft a moratorium on fences.

ANNUAL ACCOUNTING – SUPERVISOR'S BOOKS

The Annual Accounting of the Supervisor's books is not required when a public accountant is retained to complete an audit (see Resolution #34-12).

ANNUAL ACCOUNTING – TOWN JUSTICE'S BOOKS

The Town Justice Committee is scheduled to review the Justice's books tomorrow.

RESOLUTION #34-12

ENGAGE AUDITOR – RAYMOND F, WAGER, CPA, P.C.

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

ADOPTED Ayes	5	Folts, Jones, Killen, Parson, Steppe
Nays	0	

Whereas, Raymond F. Wager, CPA, P.C. has submitted a quote for accounting services in regard to the audit of the financial statements of all the various funds of the Town for the year ended December 31, 2011; and

Whereas the cost of \$11,600 is the same as last year; and

Whereas, review of the terms are deemed acceptable; now, therefore be it

Resolved that the Supervisor be authorized to sign the letter of engagement with Raymond F. Wager, CPA, P.C.; and, be it further

Resolved that Requests for Proposals be sent for the 2012 year-end

audit.

RESOLUTION #35-12

ZONING BOARD APPOINTMENT – DWIGHT SIMPSON

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

Resolved that Dwight Simpson be appointed to the Zoning Board for a 5-year term through December 31, 2016.

The 1-year alternate position on the Zoning Board remains vacant.

RESOLUTION #36-12

2011 BUDGET AMENDMENT - ZONING

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

Whereas, the Code Enforcement salary appropriation code (8010.1) within the General B fund was overspent due to overtime hours, and

Whereas, the revenue for Licenses and permit fees (2555) exhibits an increase over the 2011 budget amount of \$16,076.61, now be it

RESOLVED that the 2011 General B fund budget be amended to reflect the increase in revenue to offset the increase in salary as shown below

Revenue code 2255 be increased \$7,225.00
Expense code 8010.1 be increased \$7,225.00

RESOLUTION #37-12

2011 BUDGET AMENDMENT - SEWER

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

Whereas, the Sewer Department had to purchase grinder pumps on East Bluff Drive due to an electrical outage, and

Whereas, because of this issue, the Sewer 8189.4 Repairs and Maintenance code overspent, and

Whereas, the funds for these grinder pumps should be expended out

of the Grinder Pump Reserve, now be it

RESOLVED that the 2011 Sewer fund budget be amended to reflect the purchase of grinder pumps as follows

Revenue code 5031 (interfund transfer) be increased \$ 8210.00
Expense code 8189.4 (repair/maintenance) be increased \$ 8210.00

DISCUSSION - UNSAFE STRUCTURE - 2958 ROUTE 54A

While it is rumored that the property at 2958 Route 54A is being sold, the pending unsafe structure order still needs to be adhered to.

RESOLUTION #38-12

REJECTION OF BIDS - UNSAFE STRUCTURE - 2958 ROUTE 54A

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

ADOPTED Ayes 4 Folts, Jones, Killen, Parson
Nays 0
Abstain 1 Steppe

Whereas three bids were received to demolish the unsafe structure located at 2958 Route 54A; and

Whereas there is a discrepancy on the scope of services to be provided; now, therefore, be it

Resolved that all bids be rejected; and be it further

Resolved the Code Enforcement Officer provide a copy of the Order as the scope of services and request the bids be resubmitted.

RESOLUTION #39-12

MOVE TO EXECUTIVE SESSION

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved that this meeting be interrupted to enter into Executive Session to discuss matters leading to the appointment and employment of a specific person.

The Executive Session convened at 8:38 P.M.

RESOLUTION #40-12

RETURN TO REGULAR SESSION

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

ADOPTED Ayes	5	Folts, Jones, Killen, Parson, Steppe
Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:42 P.M.

With there being no further business, on a motion of Councilor Killen, seconded by Councilor Parson, the meeting was adjourned at 9:42 P.M.

Sheila McMichael, Town Clerk