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Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 20, 2012 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Town Engineer Ackart, Highway Superintendent Payne.

Excused: Councilor Folts

GUESTS: Rob Martin, Taylor Fitch, Doug Paddock, Art Carcone, Jennifer Gruschow, John Christensen; *Chronicle Express* Reporter.

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

RESOLUTION #109-12
APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the minutes of the May 16, 2012 meeting be approved with the correction that Resolution #95-12 was moved by Supervisor Jones.

RESOLUTION #110-12
AUDIT OF CLAIMS

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

ADOPTED	Ayes	4	Jones, Killen, Parson, Steppe
	Nays	0	

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

General:	\$ 24,733.86
Outside Village	\$ 364.77
Highway DB:	\$123,701.83
Branchport Light:	\$ 232.90
Sewer:	\$ 12,078.54
Water:	\$ 5,611.27
Trust:	\$ 88.61

May Utilities:

General:	\$ 1,586.67
Outside Village:	\$ 74.58
Sewer:	\$30,990.56
Water:	\$ 1,149.19

Branchport Light: \$ 237.46
Trust: \$30,622.66

RESOLUTION #111-12
SUPERVISOR REPORT

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of May 2012 be accepted as presented.

TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Oil and stoning is underway.

TOWN ENGINEER

Notes of the June 12, 2012 KPSW Committee meeting are on file in the Office of the Town Clerk.

RESOLUTION #112-12

ENGAGE LARSON DESIGN GROUP TO PREPARE NYS CLEAN WATER REVOLVING FUND

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
 Nays 0

Resolved that the Larson Design Group is authorized to prepare an application for the New York State Clean Water Revolving Fund for a Planning Grant for a sewerage study for the Branchport area. It is understood that this application will be done at no cost to the Town. Further, should the Town be successful the 80% grant has a maximum funding of \$30,000, with a matching funds requirement by the Town of \$6,000.

Further, Supervisor Daryl Jones is authorized to sign said application on behalf of the Town and submit same to the Environmental Facilities Corporation.

COUNCIL

- Councilor Killen will e-mail the latest version of proposed Local Law B-2012 Fence Regulations to the Town Board.
- Councilor Parson thanked the Highway Department and Highway Superintendent Payne for hanging the American flags.

- Councilor Parson thanked the volunteers at Clean-Up Day. Of note were Dean Roberts and George Fisher. Numerous requests to continue Clean-Up Day were received on Saturday.

RESOLUTION #113-12

REJECT EBAY BIDS FOR 2007 CHEVY SILVERADO

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas; the KPSW Department advertised in the Chronicle-Express on April 4, 2012 to accept bids on EBAY for the 2007 Chevrolet Silverado;

Whereas; the KPSW Department listed the 2007 Chevy Silverado Truck on EBAY 4/5/12-4/12/12;

Whereas; the KPSW reserve bid for the truck was set at \$9500.00;

Whereas; 20 bids were received with the highest bid of \$6300.32;

Therefore; be it resolved that the Town Board reject all bids received because none the bids met the reserve price.

RESOLUTION #114-12

REJECT SEALED BIDS FOR 2007 CHEVY SILVERADO

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas, the KPSW Department advertised in the Chronicle-Express May 2, 2012 to accept sealed bids for the 2007 Chevrolet Silverado;

Whereas, the bids were accepted May 2, 2012 through May 14, 2012;

Whereas, the Department had received a verbal quote from Marbles Automotive that the truck value is approximately \$10,000;

Whereas; the bid opening was held at the Jerusalem Town Hall on 5/14/12 at 12:45pm;

Whereas; 4 sealed bids were received with the highest bid of \$6500.00;

Therefore, be it resolved that the Town Board reject the sealed bids opened on 5/14/2012.

INTRODUCE AND SCHEDULE PUBLIC HEARING ON PROPOSED LOCAL LAW D-2012
REPEAL LOCAL LAW #2 OF 1998 CONCERNING COMPENSATION FOR SICK LEAVE
ON RETIREMENT

Supervisor Jones introduced proposed Local Law D-2012 Repeal Local Law #2 of 1998 Concerning Compensation for Sick Leave on Retirement and set the Public Hearing for 7:05 P.M. on July 18, 2012.

REPEAL LOCAL LAW #2 of 1998 CONCERNING COMPENSATION FOR SICK LEAVE
ON RETIRMENT

Be it enacted by the Town of Jerusalem as follows:

Section 1: Purpose.

On the recommendation of General Code Publishers, in 2007 the Articles of the Town Code that pertained to Personnel were repealed and a new handbook of town personnel policies was adopted. Local Law #2 of 1998, which concerns compensation for employees who retire with unused Sick Leave, was not part of the Town Code at that time and remains effective. The policy regarding compensation for employees who retire with unused Sick Leave was restated and clarified by Resolution on June 20, 2012 and the substance provisions of Local Law #2 of 1998 are no longer needed.

§ 2: Law #2 of 1998 is hereby repealed.

§ 3: Effective Date.

This local law shall take effect upon being filed by the Secretary of State.

SUBCOMMITTEE REPORTS:

ZONING REVIEW/54A SUBCOMMITTEE:

No report.

YATES COUNTY MARCELLUS SHALE TASK FORCE:

The Task Force will be meeting on June 28th. The Independent Oil & Gas Association presentation on May 22nd was very informative and provided information from both sides. It appears hydrofracking will not be coming to Yates County at this point in time.

CONSERVATION/RENEWABLE ENERGY COMMITTEE:

The Conservation/Renewable Energy Committee is interested in acknowledging Town residents who have implemented effective renewable energy and/or conservation methods. An energy-saving workshop is being planned for the fall 2012. They are looking into

grant funding to implement Chapter 4. of the Keuka Watershed Protection Guide.

PROCESS SUBCOMMITTEE

The Process Subcommittee is meeting June 21st at 8:30.

RESOLUTION #115-12

RESOLUTION TO ISSUE A NEGATIVE DECLARATION FOR THE FULL ENVIRONMENTAL ASSESSMENT THAT HAS BEEN COMPLETED IN PREPARATION OF THE ADOPTION OF THE BRANCHPORT HAMLET MASTER PLAN

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

WHEREAS; that in accordance with the New York State Environmental Quality Review (SEQR) procedures, the Town Board of the Town of Jerusalem previously expressed their intent to serve as lead agency to comply with SEQR in preparation for the adoption of the Branchport Hamlet Master Plan, herein after referred to as the "*Master Plan*"; and

WHEREAS; the Town Board has notified other Involved Agencies of the proposed Lead Agency designation and the Town Board's intent to issue a Negative Declaration for the project under SEQR pending the receipt of any comments or objections from other Involved Agencies; and

WHEREAS, the Town Board has received no objections to its request to serve as lead agency or the Board's intent to issue a Negative Declaration for the adoption of the Master Plan; and

WHEREAS, the Town Board previously received, reviewed and accepts the full environmental assessment for the adoption of the Master Plan as prepared by Ingalls Planning & Design, which determines the significance of and potential impact of the Master Plan; now therefore let it be

RESOLVED, that the Town Board will serve as lead agency after receiving no objections from the Involved Agencies, and accepts the Full Environmental Assessment for the adoption of the Branchport Hamlet Master Plan as prepared by Ingalls Planning & Design. The

Town Board declares that, based on the Full Environmental Assessment, it finds that the project will result in no significant adverse impacts to the environment and HEREBY issues a Negative Declaration for the adoption of the Branchport Hamlet Master Plan. This determination will be posted with the Environmental Notice Bulletin, thus so completing the SEQR Process in accordance with 6 NYCRR Part 617 SEQR Regulations.

RESOLUTION #116-12
SCHEDULE SPECIAL TOWN BOARD MEETING

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Resolved a Special Town Board meeting be scheduled for July 11, 2012 at 6:00 P.M.

RESOLUTION #117-12
SCHEDULE PUBLIC HEARING - BRANCHPORT HAMLET PLAN

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Resolved that a Public Hearing be held at the July 11, 2012 Special Town Board meeting at 6:00 P.M. for the adoption of the draft Branchport Hamlet Master Plan; and, be it further

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

RESOLUTION #118-12
SCHEDULE PUBLIC HEARING - CONSOLIDATED FUNDING APPLICATION (CFA) FOR STREETScape IMPROVEMENTS

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Resolved that a Public Hearing be held at the July 11, 2012 Special Town Board meeting at 6:15 P.M. on the Consolidated Funding Application (CFA) for Streetscape Improvements in the Hamlet of Branchport; and, be it further

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

COMPENSATION FOR GRANT WRITING

Mrs. Gruschow has requested \$1,000 compensation for her grant writing efforts.

RESOLUTION #119-12

EDUCATION & TRAINING REQUEST FORM

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas proper authorization of the Town Board for all education and training must be given prior to such event, and

Whereas the Town Board deems to encourage the educational and training needs of departments, and

Whereas the Town Board would like a uniform process for such prior approval for all departments, now be it

Resolved that the Town Board establishes an Education & Training Request Form to be distributed to all departments for implementation commencing June 21, 2012.

RESOLUTION #120-12

TRAVEL EXPENSE REIMBURSEMENT FORM

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas the Town Board desires to utilize a standardized method for personnel requesting reimbursement of expenses while traveling for town business in accordance with Employee Handbook Policy 506 Expense Reimbursement, now be it

Resolved that the Town Board establishes a Travel Expense Reimbursement Form to be distributed to all departments for implementation commencing June 21, 2012.

Supervisor Jones will inform the departments of the new forms.

UNSAFE STRUCTURE - 2958 ROUTE 54A

Supervisor Jones awarded the contract to the low bidder, Marchionda Excavating to remove the unsafe structure located at 2958 Route 54A in accordance with the order served.

AGRICULTURAL BUILDING PERMIT FEES

Code Enforcement Officer Phillips estimated that agricultural related buildings have provided \$9,592.40 to the Building Permit Fees since 2009. Consideration of lowering the agricultural fee will be referred to the Right To Farm Committee along with one non-farming resident to be identified by Councilor Parson for further review.

RESOLUTION #121-12

Authorize Creation of the Water/Wastewater Maintainer Position

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas, as per Town Board Resolution 87-12, the KPSW Committee has completed the MSD-222 New Position Duties Statement and submitted it to Yates County Personnel for the creation of a Water/Wastewater Maintainer position;

Whereas, Yates County Civil Service commission certified on 5/12/2012 that the appropriate civil service title for the position is Water/Wastewater Maintainer;

Whereas, Action by the Legislative Body is required for the creation of the Water/Wastewater position;

Whereas, the committee is recommending that the Town Board authorizes Daryl Jones, Town Supervisor, to sign the MSD-222 and forward it to Yates County Personnel Department;

Therefore, be it resolved that Daryl Jones sign the MSD-222 authorizing the creation of the Water/Wastewater Position and submit it to Yates County Personnel Department.

RESOLUTION #122-12

Authorize Creation of Water/Wastewater Maintainer Interviewing Team

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

ADOPTED Ayes 4 Jones, Killen, Parson, Steppe
Nays 0

Whereas, the Keuka Park Water and Sewer (KPSW) Committee met on June 12, 2012;

Whereas, the KPSW Committee is requesting authorization from the Jerusalem Town Board to form a team for interviewing for the Water/Wastewater Maintainer position;

Whereas, the KPSW committee is recommending that one person be chosen from the Town Board, one from the KPSW Committee, and one of the currently employed water and sewer maintainers;

Therefore, be it resolved that the interviewing team be formed and authorized to begin interviewing as soon as the certified list of Water and Sewer Candidates is made available to the Town and that that the team consist of Mike Steppe, Wayne Ackart, Ray Stewart, and either of the currently employed Water and Sewer Maintainers.

KEUKA PARK SEWER #2 EXTENSION - JACK HOLLY PETITION

The updated petition from Mr. Holly has not been received and will be placed on the agenda at such time.

INTRODUCE AND SCHEDULE PUBIC HEARING ON PROPOSED LOCAL LAW E-2012 CASH PAYMENT FOR UNUSED SICK LEAVE

Supervisor Jones introduced proposed Local Law E-2012 Cash Payment for Unused Sick Leave and set the Public Hearing for 6:30 P.M. on July 11, 2012.

Town Attorney Bailey was directed to research the following resolution and revise it to final form as a local law that complies with State law.

CASH PAYMENT FOR UNUSED SICK LEAVE

WHEREAS: Resolution #2 of 1994 provides that three long-standing employees, Robert Payne, Robert Martin, and Dale Fitzwater, may choose to obtain cash payment for unused accumulated sick leave in excess of 100 days upon their retirement from service with the Town; and

WHEREAS: Local Law #2 of 1998 provides that: "On retirement, an officer or employee of the Town shall be entitled to receive compensation for any accrued and unused Sick Leave in the form of payment of premiums for health insurance covering such persons through the insurer used by the Town at the time. Such compensation shall be calculated based on the number of hours of accumulated Sick Leave and the rate of pay for such person in effect at the time of retirement;" and

WHEREAS: Section 803 of the Handbook of the Town of Jerusalem provides that an employee whose employment with the Town is terminated by resignation or discharge will not receive cash payment for unused sick leave. It further provides that an employee who retires from Town service may use up to 800 hours of accumulated sick leave towards the payment of medical insurance premiums; and

WHEREAS: Questions have arisen regarding the provisions of this benefit; and

WHEREAS: In order to foster good will among the Town's workforce, to reward long-standing employees who do not use sick leave, and to make Town policy uniform, the Town Board feels that it is in the best interest of the Town for the benefit of cash payment on retirement for high amounts of unused sick leave to be clarified, modified and restated as follows;

NOW THEREFORE BE IT RESOLVED that:

1. Upon their retirement in good standing from service with the Town of Jerusalem, all employees of the Town having unused accumulated sick leave may elect to be compensated for their unused accumulated sick leave not exceeding 800 hours by one of the following options: (1) to be paid in cash, or (2) to receive the value of the accumulated sick leave in the form of payment for health insurance premiums following retirement as otherwise provided by the Town.
2. Such cash reimbursement shall be elected prior to retirement and shall be paid at the next regular pay day following retirement.
3. The term 'retirement in good standing' shall not include separation from Town employment by resignation or discharge for cause, and the term "resignation" shall mean voluntary separation from employment with the intention of accepting or seeking full-time employment elsewhere.
4. If a person employed by the Town having unused accumulated sick leave becomes an elected official of the Town, he or she may elect to be compensated for their unused accumulated sick leave not exceeding 800 hours by one of the following options: (1) to be paid in cash on the first payday after assuming the elected office, or (2) to receive the value of the accumulated sick leave upon retirement in the form of payment for health insurance premiums as otherwise provided by the Town.
5. The amount of the cash payment shall be ninety percent (90%) of an amount calculated as the number of hours of unused sick leave not exceeding 800 (except as provided in paragraph 7) multiplied

- by the rate of pay per hour for the employee at the time of retirement, or in the case of an elected official at the time of the election.
6. Except as provided in paragraph 7, unused accumulated sick leave in excess of 800 hours shall not be compensated upon retirement.
 7. In accordance with Resolution 2-94, Robert Payne, Robert Martin, and Dale Fitzwater shall be compensated for all unused sick leave including that in excess of 800 hours in the manner otherwise provided in this resolution.
 8. The total amount to be paid on retirement in the form of health insurance premiums shall be calculated based on the person's pay rate (A) in the case of an employee, at the time of retirement or (B) as to an elected official, at the time of election to office.
 9. Such cash reimbursement shall be subject to all applicable laws regarding taxation of wages.
 10. Section 803 of the Town Handbook is hereby amended to include the provisions of this resolution.
 11. If Local Law #2 of 1998 is repealed, such repeal shall not effect the provisions of this resolution.
 12. This resolution shall take effect immediately and apply to all current and future employees of the Town and to Robert Payne.

Highway Superintendent Retirement

The Highway Superintendent filed his letter of retirement with the Town Clerk effective July 14, 2012.

Town Clerk Salary

Councilors Killen and Folts are gathering information related to the Town Clerk salary discussion at the the June meeting for further consideration during the budget process.

JOB DESCRIPTIONS/JOB DUTIES/ORGANIZATIONAL CHART:

Councilor Killen will solicit input from employees on their job descriptions, duties performed and the organization structure for review by the Personnel Committee.

RESOLUTION #123-12

STANDARD WORK DAY AND REPORTING RESOLUTION

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

ADOPTED Ayes	4	Jones, Killen, Parson, Steppe
Nays	0	

Be it resolved, that the Town of Jerusalem hereby establishes the following as standard work days for elected officials and will report the following days worked to the New York State and Local

Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term	Employer Record of Time Worked	Days/Month
Town Justice	Matt Davison	6	1/1/2010-12/31/2013	Y	3
Town Clerk	Sheila McMichael	6	1/1/2012-12/31/2015	Y	20
Town Council	Patrick Killen	6	1/1/2012-12/31/2015	Y	4

The Town Clerk is hereby directed to post this resolution on the Town of Jerusalem website for a minimum of 30 days; to file a certified copy of this resolution and affidavit of posting with the Office of the State Comptroller within 45 days of adoption; to retain records of work activities for ten (10) years; and to provide complete copies of the NYS Comptroller upon request.

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

Sheila McMichael, Town Clerk