

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 14, 2018 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin.

Excused: Town Engineer Ackart

GUESTS: Tim Cutler, Elaine Nesbit, Jim Moon, Kim Hostutler, David Hostutler, Leonard Lang, Dolores Lang, Debra Morlock, Barb & Bill Allart, Dennis Quenan, Carol Quenan, Paula McMichael, Mary Ann Martin, Ethan Miller, Michael Miller, Terry Kwiecinski, Glenn Herbert, Zac DeVoe, Doug Paddock, Laurie Babcock, Jim Woodard, Gary & Janet Molyneaux, Gene Hunt, Bob Bartholomay, Kathy Ferron, Amy Borglum.

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

CHANGES TO THE AGENDA

Supervisor Killen distributed the budget request from the Branchport Library and comments received in response to his recent Letter to the Editor. He requested Public Comment be moved to the beginning of the agenda to take comment from attendees on the 2019 budget. Councilor Stewart clarified the budget hearing was held and closed at the October 17, 2018 meeting. Another public hearing on the 2019 budget was not advertised for tonight's meeting.

RESOLUTION #218-18

CHANGES TO THE AGENDA

On a motion of Councilor Anderson, seconded by Councilor Sisson, the following was

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved a resolution to Offer the Sole Appointed Assessor be added to the agenda after the Executive Session.

RESOLUTION #219-18

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved that the minutes of the October 17, 2018 meeting be approved as read.

RESOLUTION #220-18

AUDIT OF CLAIMS

On a motion of Councilor Stewart, seconded by Councilor Jones, the

following was

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

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

General:	\$ 22,852.76
Outside Village	\$ 1,100.42
Highway DB:	\$116,609.32
Capital:	\$ 5,411.00
Sewer:	\$ 39,284.20
Water:	\$ 2,559.65
Branchport Light	\$ 256.81

October Utilities:

General:	\$ 1,335.97
Outside Village:	\$ 113.26
Highway DB:	\$ 8,349.85
Sewer:	\$ 386.21
Water:	\$ 738.13
Trust:	\$29,462.62

RESOLUTION #221-18

SUPERVISOR REPORT

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Resolved that the Supervisor's Report on the Town's finances for the month of October 2018 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The second portion of the Yates County Soil & Water rock lining project on Stever Hill Road is complete.
- Highway winter preparations are underway. Sand and salt are in for the year.
- The overhead doors for the storage barn were delivered today.

TOWN ENGINEER

- Notes of the November 1, 2018 KPSW meeting on file in the Office of the Town Clerk.
- We anticipate putting the water capital project out for bid in January 2019.

### ASSESSOR

- The Small Claims Assessment Review hearings are complete. The Article 7 filings are still pending.

### COUNCIL

Councilor Sisson attended the monthly Zoning and Planning Board meetings and reported they went smooth.

### SUPERVISOR

- Justice Whitford submitted notice that he is prepared to submit his books for the Town Board audit that will be done in January.
- The budget request letter from the Branchport Library was untimely filed for 2019, but will be considered as part of the 2020 budget.

### SUBCOMMITTEE REPORT

#### CODE ENFORCEMENT OFFICER SUBCOMMITTEE - NON-CONFORMING STRUCTURES

The Code Enforcement Officer Subcommittee is recommending modification to the zoning code to address issues related to nonconforming structures. Following a lengthy discussion, the matter was referred back to the Subcommittee to define the intent of the proposed changes with no ambiguity. Attorney Graff will then be asked to put it into legalese for review by the Town and Zoning Boards.

#### 2019 TOWNWIDE, SEWER & WATER BUDGETS

Councilor Jones offered a motion to adopt the 2019 Townwide, Sewer & Water Budgets.

Supervisor Killen stated his desire to present a summary of the appropriations; the water and sewer rates are being held and a rate study is being done; the 2018 tax rate was \$2.55 and will be \$2.25 for 2019. His recommendations are to eliminate the \$60,000 truck hoist, reduce overall budget by 1.38 percent, put Clerk raise back to 3% and offer Supervisor \$800 increase (4.2%). Councilor Stewart stated removing the hoist results in a decrease of \$.07 per \$1,000 of assessed value. He apologized to the public and again clarified the budget hearing was held and closed at the October 17, 2018 meeting. Two budget meetings were held prior to the public hearing and this budget was approved line by line. Councilor Jones pointed out at the budget workshop, Supervisor Killen and Councilor Anderson moved to include the hoist and Councilors Jones and Stewart moved to hold the Supervisor and Town Board salaries at 0% according to the meeting minutes.

Councilor Stewart expressed his dissatisfaction with the Supervisor's Letter to the Editor and Facebook post. A 20-year

elected official was crucified by name and the letter contained inaccurate statements.

Councilor Sisson read a prepared statement: In regards to our Supervisor's Letter to the Editor in the November 7<sup>th</sup> Chronicle Express, I just want to state how silly and childish the letter was. Not only does it reduce confidence in the Supervisor's judgment, but makes the Town of Jerusalem look mismanaged and unprofessional. I certainly hope in the future, our Supervisor will use better judgement and stop this nonsense.

Councilor Sisson added there have been 3-4 letters written by the Supervisor since he became a Town Board member in January. He sees this as a sneak attack in an attempt by the Supervisor to control the budget. Councilor Jones stated the Supervisor quoted the Town Clerk's summer window service hours which are not the hours worked. Councilor Anderson stated a wage plan is needed. Highway Superintendent Martin pointed out he already has a wage plan for his department. He also informed the Board that the Highway employees are not happy with the Supervisor.

RESOLUTION #222-18  
ADOPT 2019 TOWNWIDE BUDGET

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

ADOPTED	Ayes	4	Anderson, Jones, Sisson, Stewart
	Nays	1	Killen

Resolved the 2019 Townwide Budget be adopted as presented.

RESOLUTION #223-18  
ADOPT 2019 WATER & SEWER BUDGETS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved the 2019 Water & Sewer Budgets be adopted as presented.

RESOLUTION #224-18  
SEQR DETERMINATION - IMPROVEMENTS TO KEUKA LAKE LOCKS AND SPILLWAYS  
STATE and MUNICIPAL FACILITIES PROGRAM (SAM)

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Whereas on May 16, 2018 (Resolution 107-18) the Jerusalem town Board authorized the Town of Jerusalem to act as Lead Agent for said project which will provide masonry repairs to the existing Keuka Lake Outlet Control Structure(s)

Now, therefore as Lead Agent the Jerusalem Town Board hereby determines that said repairs to the existing structure are a Type II SEQR Action requiring no further SEQR review or action (State Environmental Quality Review Act - 617.5 Type II Action {c} [1]).

RESOLUTION #225-18

APPOINTMENT - ZONING BOARD ALTERNATE - LYNN OVERGAARD

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Resolved Lynn Overgaard be appointed as an Alternate on the Zoning Board to fill the unexpired term of Kerry Hanley through December 31, 2018.

RESOLUTION #226-18

APPOINTMENT - PLANNING BOARD - GEORGANN FARRELL

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas Rachel Robak declined her appointment to the Planning Board (Resolution #207-18); and

Whereas Georgann Farrell has expressed an interest in serving in that capacity, now, therefore, be it

Resolved Georgann Farrell be appointed to the Planning Board as of January 1, 2019 for a seven-year term through December 31, 2025.

RESOLUTION #227-18

Declare Surplus Highway Equipment - 2000 Sterling 10-Wheel with Plow, Wing & Spreader

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Resolved that the 2000 Sterling 10-Wheel with Plow, Wing & Spreader be declared as surplus equipment; and, be it, further

Resolved the proceeds from this sale be put into the Highway Equipment Reserve.

RESOLUTION #228-18

Declare Miscellaneous Surplus Highway Equipment

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Resolved the following miscellaneous items be declared as surplus equipment:

- 6-Used Grader Tires
- Water Pump
- 2 sets 14' Stinger Blades + extra Stinger
- Used metal siding
- Sliding door track
- Auto canvas
- 2 Sterling dump truck bumpers
- Used Pick-up Truck Tires
- 2 Used Backhoe Front Tires

; and, be it, further

Resolved the proceeds from this sale be put into the Highway Equipment Reserve.

RESOLUTION #229-18

Authorize Highway Generator Installation

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas quotes to install the generator at the Highway Barn were received as follows:

Passno Installations	\$6,400
Ted's Electric	\$7,500

Now, therefore, be it resolved Passno Installations be hired to install the generator as the low bidder.

RESOLUTION #230-18

Advertise for Highway Heavy/Medium Equipment Operator

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas Frank Fitzwater submitted his resignation from the Highway Department as of November 13, 2018; now, therefore, be it

Resolved the Highway Superintendent be authorized to advertise for a full-time Heavy/Medium Equipment Operator.

RESOLUTION #231-18

Authorize Purchase of Highway Single Axle Truck with Plow Equipment

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas the 2019 Budget includes an International single-axle truck with plow equipment supplied by Valley Fab; and

Whereas this equipment is available on Onondaga Contract #8996 with the Everest plow equipment; now, therefore, be it

Resolved the Highway Superintendent be authorized to order said truck and plow equipment to guarantee 2018 pricing, at a cost not-to-exceed \$175,000 for delivery in 2019. The proceeds for this purchase shall be taken from the DB 5130.2.

RESOLUTION #232-18

APPOINTMENT - WATER SYSTEM OPERATOR/WASTEWATER MAINTAINER

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas Bradley Donovan was appointed to the position of Water System Operator/Wastewater Maintainer by Resolution #136-18 effective September 4, 2018; and

Whereas the Water System Operator/Wastewater Maintainer is a tested position under Civil Service; and

Whereas the Yates County Personnel Department provided the Certified List of Eligible candidates for said position on October 30, 2018; now, therefore, be it

Resolved that the permanent appointment of Bradley Donovan, Water System Operator/Wastewater Maintainer be made effective October 30, 2018.

RESOLUTION #233-18

AUTHORIZE TRAINING GRADE C OPERATOR CERTIFICATION COURSES

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas; the Grade C Operators Certification Course is being offered at SUNY Morrisville on February 11 to 14<sup>th</sup>, 2019;

Whereas; the NYS Health Department requires that the Keuka Park Water District operator has a Class C Operator Certification;

Whereas; instruction and training expenses were approved in the 2019 budget;

Therefore be it resolved to authorize Bradley Donovan to attend the Class C Operators Certification Course at SUNY Morrisville. Tuition cost is \$500.00. This certification expense to be funded from 8340.

RESOLUTION #234-18

Finger Lakes Water Works Conference 2018 Winter Meeting

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas; Finger Lakes Water Works Conference is hosting the Winter Meeting at the Quality Inn 2468 NYS Rte. 414 Waterloo, NY.

Whereas; the cost for a pre-paid, pre-registered 2018 Conference Member is \$25.00/person;

Therefore be it resolved to authorize attendance for up to (2) person(s) from the Water / Sewer Department to attend the Finger Lakes Water Works Conference Winter Meeting at a cost of \$25.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

RESOLUTION #235-18

2019 HEALTHCARE INSURANCE PLAN OFFERINGS

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0



Resolved the Town will offer two Excellus insurance plans in 2019; Bronze4 and Platinum2; and, be it further

Resolved those desiring to remain on the Platinum2 plan will continue the 5% employee contribution and 7.5% Town Board contribution toward the annual premium.

RESOLUTION #236-18

2019 TOWN OF JERUSALEM EMPLOYEE HEALTHCARE INSURANCE CONTRIBUTION

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

ADOPTED       Ayes       5   Anderson, Jones, Killen, Sisson, Stewart  
                  Nays        0

Whereas, the present Town of Jerusalem employee health insurance is based on a 5% employee contribution rate and the Town will offer the Bronze4 health insurance; a high deductible plan for 2019 having an unknown rate based on employee usage.

Therefore be it resolved that the Town move to a fixed rate employee contribution, to be determined by the Town Board, on a yearly basis rather than a percent based calculation. Also for 2019, the rate will be as follows:

Single	\$300
2-Person	\$700
Family, no spouse	\$550
Family	\$900
Town Board	\$500

Be it further resolved the Teamsters Union Local 118 employees will contribute according to the terms of their contract.

PUBLIC COMMENT

- The importance of public sewer around the lake was discussed. West Bluff Drive has been removed from the proposed Sewer #4 extension due to the opposition in that area.
- Yates County Soil & Water conduct Zone 1 septic inspections through a contractual arrangement with the Town.
- Concerns related to the Harmful Blue-green algae blooms were discussed. The order to boil water was just lifted in Rushville. The Department of Health addressed HABs at the recent Penn Yan Wholesale Water Customers Meeting. A DOH fact sheet on "Understanding the Risks of Piping Surface Water Into Your Home" has been posted on the Town Hall bulletin board.
- Further comments/clarification on the 2019 budget included:

1. The Registrar salary has to be separate and in the Outside Village budget as Penn Yan residents are serviced by the Village employees for this.
  2. The Town currently provides four Town-owned cell phones and reimbursement for the use of ten personal phones.
  3. A portion of the Supervisor, Town Board, Bookkeeper and Town Clerk salaries are allocated to the Water and Sewer budgets for their service provided to those departments.
  4. Salaries need to be cost of living and merit increases.
  5. Utilizing bonuses would hold salaries if that is allowed in a municipality.
  6. We need to hold taxes.
  7. Supervisor Killen reviewed the history of raises by position.
- Supervisor Killen will check on auto payments for Water & Sewer bills.
  - Yates County Treasurer/Budget Officer Nonie Flynn will assume the additional duties of Acting Administrator.
  - Yates County Budget public hearing is tomorrow night at 6:00 P.M.
  - Yates County Legislators have not had a raise since 2009.

RESOLUTION #237-18

EXECUTIVE SESSION - ASSESSOR EMPLOYMENT

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved that this meeting be interrupted to enter into Executive Session at 9:10 P.M. to discuss the employment history of particular persons with discussion on the matter leading to the appointment of an Assessor.

RESOLUTION #238-28

RETURN TO REGULAR SESSION

On a motion of Councilor Anderson, seconded by Councilor Sisson, the following was

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved that the Board return to regular session AT 9:55 P.M.

RESOLUTION #239-18

Offer for Sole Appointed Assessor to Vincent Fisher

On a motion of Councilor Anderson, seconded by Councilor Sisson, the following was

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
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Nays 0

Whereas, Vernon Brand Town of Jerusalem Assessor resigned leaving his position open until September 2019. The Boards Assessor Committee was assigned the task to advertise for applicants, interview applicants and recommend a replacement for the position of Sole Appointed Assessor.

Whereas, the subcommittee consisting of Jamie Sisson, Elaine Nesbit and Paul Anderson advertised and received seven applicants and interviewed said applicants.

Therefore be it resolved, that the committee recommend that Vincent Fisher be made an offer to fill the role as Sole Appointed Assessor for the remainder of the present term until September 30, 2019 as a full time Assessor at an annual salary of \$49,972 upon proper notice to his prior employer. The Assessor will work 40 hours weekly, punch time clock, annual salary prorated and comply with Employee Handbook.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Anderson, the meeting was adjourned at 10:00 P.M.

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Sheila McMichael, Town Clerk