

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 21, 2007 at 7:00 P.M. PRESENT were: Councilpersons Barden, Folts, Hopkins and Stewart, Supervisor Jones, Highway Superintendent Payne, Town Engineer Ackart, Town Clerk McMichael.

Guests: Cynthia Geertson, David Geertson, June Hathaway, Donna Daugherty, Sally Ribble, Lawrence Brown, Susan Pinckney, Dale Robinson, Jeff Hulse and several unidentified guests.

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

RESOLUTION #53-07

AMENDMENT AND APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Barden, Folts, Jones, Stewart
	Nays	0	
	Abstain	1	Hopkins

Resolved that the minutes of the February 21, 2007 monthly meeting be approved as read.

RESOLUTION #54-07

APPROVAL OF MINUTES

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the term of the 2002 Addendum to the Sewage Disposal Agreement for Sewer #2 should read "unspecified", not 40-years as stated; and, be it further

Resolved that the minutes of the February 8, 2007 Special Meeting be approved as amended.

RESOLUTION #55-07

AUDIT OF CLAIMS

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

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

General	\$10,876.32
Highway DB	\$12,515.45
Sewer	\$20,975.43
Water	\$63,968.98

February Utilities: General	\$ 4,867.95
Water	\$ 16,264.42
Sewer	\$ 23,780.12
Brnpt. Light	\$ 217.26

RESOLUTION #56-07

SUPERVISOR'S REPORT

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of February 2007 be accepted as presented.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Highway Superintendent Payne submitted his written report of road work done for the month of February consisting of mainly winter work.
- Shoulders of the roads dug up by the wing, have been cleaned up.
- Areas to be oiled and stoned this year have been marked for tiling.
- Paperwork has been submitted for the grant funds to reimburse us for the roller purchase, but the check has not been received to date.
- Carrier Salvage submitted a purchase offer for our old P&H crane for salvage and recycling purposes. Following a lengthy discussion, Highway Superintendent Payne stated he will have the highway crew work on dismantling the crane and scrapping it ourselves. The Supervisor will inform Carrier Salvage that the Town is not selling the crane at this time.

RISK REDUCTION FORM

Following the incident at 714 West Bluff Drive whereby the Highway dug up an underground electric service, Highway Superintendent Payne worked with Supervisor Jones to draft a sign-off sheet to be implemented immediately. The form requests property owners to alert the Highway of any concerns such as buried utilities in the Town's right-of-way, before road work is done.

TOWN ENGINEER

- Town Engineer Ackart reported we have a draft agreement conveying the Assembly Avenue Sewer from Keuka College to the Town. Our comments have been forwarded to Attorney Bailey for finalization.
- KPSW met with KWIC Watershed Inspectors to review and clarify procedures in the sewer districts when they find failed septic

systems. KPSW will be contacted directly to ensure we work together to get these properties connected in a timely manner.

- We are working closely with Pulteney as the construction of their water district is underway.
- A meeting was held March 5th with Bernard P. Donegan, Inc. and Attorney David Saracino on sewer issues and a water rate study.
- Town Engineer Ackart explained the proposed smoke testing for the Keuka Park Sewer District and Extension #1. This primarily affects Keuka College, but notice will be given as this may cause consternation with the public. The smoke testing identifies improper sewer connections, but non-toxic smoke may enter houses during the process.

RESOLUTION #57-07

KEUKA PARK SEWER DISTRICT - SMOKE TESTING

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

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart
 Nays 0

WHEREAS, it is desired to utilize "Smoke Testing" in the Keuka Park Sewer District and Extension #1 thereto, to detect improper connections to the sewer system which may provide extraneous additional infiltration and inflow flows to the system in times of rainfall, runoff or high water table; and

WHEREAS the New York Rural Water Association has volunteered to assist and lend the Town the necessary equipment for this process, at no cost to the Town with said process being scheduled between April 25, 2007 and May 21, 2007; and

WHEREAS the New York Rural water Association requires that as a condition to providing said assistance and equipment that the Town sign a HOLD HARMLESS & INDEMNIFICATION AGREEMENT; now, therefore be it

RESOLVED that the Town Supervisor, Daryl Jones is hereby authorized to sign said HOLD HARMLESS & INDEMNIFICATION AGREEMENT on behalf of the Keuka Park Sewer District.

KPSW CLERK STATEMENT

Supervisor Jones read the following statement regarding the duties for the KPSW Clerk, Carrie Wheeler:

At the February 21, 2007 Town Board meeting a statement was made regarding Carrie Williams riding around in the pickups with Paul Enos and Gary Dinehart. I apologize for not addressing the issue when it was first presented to the Board. The public should inquire why, before they assume that she is not performing her

assigned duties. I would like to mention now that Carrie does not leave the office without permission or a work related reason.

One reason Carrie has been seen with one of the water maintainers is for programming of the computer for the reading of the water meters. Also, Carrie is very interested in all aspects of the water and sewer operations. In 2006 she started checking the pump stations and recording the necessary data required by the Department of Health and has been placed on the emergency call list, all with the approval of Civil Service.

Carrie became our full-time water and sewer clerk in 2005. Some of her duties include issuance of permits, scheduling inspections, maintaining inventory, utility billing and posting to accounts.

Some additional items Carrie has found since becoming our clerk:

- Several Sewer connections, which were not being billed.
- Several illegal connections, i.e., 1 service serving 2 parcels.
- Meters that were not working properly or at all—this helped reduce our unaccounted water from 30% to less than 10%.
- Reviewed EDU schedule and updated all districts.

I believe I speak for all of the Board members that the Town of Jerusalem is very fortunate to have dedicated employees, not only in the Water and Sewer Department, but also in the Highway Department and at the Town Office.

Supervisor Jones made a public plea to bring concerns regarding Town employees directly to him or a Town Board member, not discuss it out in the community.

WIND FARM SUBCOMMITTEE:

Jim Fitzgibbons submitted his letter of resignation from the Wind Farm Subcommittee. The second Public Information meeting will be held April 9, 7:00 P.M. at Keuka College.

SLOPES SUBCOMMITTEE:

Councilperson Folts stated the Slopes Subcommittee reviewed the Town of Bristol regulations and will use them as a guide. Their main concern is to address slopes of 15% or greater in R-1. Rick Ayers, Yates County Soil and Water Conservation provided the Subcommittee with maps showing the slope percents.

ADULT ENTERTAINMENT SUBCOMMITTEE:

The Adult Entertainment Subcommittee is meeting tomorrow to review the issues raised at the February 21 Town Board meeting and the Town of Arcadia law.

TOWN COUNCIL:

- The proposed Bed & Breakfast definition is under review by the Planning Board.
- We will advertise for the Alternate to the Zoning Board again as we only received one application.
- Following discussion at the February Town Board meeting regarding the relationship between the Town Board and Planning Board, Attorney Bailey provided the legal background of the boards. His March 1, 2007 letter has been distributed and will be discussed at a future Planning Board meeting.

RECREATION COMMITTEE:

The Town is again addressing the issue of Keuka Lake State Park imposing charges to the Town for operation of our Summer Youth Recreation Program. Participants will be charged \$7/car per day for entrance into the Park, along with \$50/day for use of the Pavilion. This will put a financial hardship on many of our 60-70 daily participants of the summer program. We dealt with the same issue last year and were able to have these fees waived through the efforts of Supervisor Jones. Supervisor Jones and Councilperson Hopkins have been making phone calls and writing letters, with no success to date. There was a lengthy discussion on the matter. Community members were encouraged to write letters requesting the State waive these fees for our Program.

PERSONNEL COMMITTEE:

Councilperson Stewart stated the draft Employee Handbook includes job classifications under both Civil Service Law and the Fair Labor Standards Act which determine an employee's benefits. Implementation of the proposed Employee Handbook will depend on proper classification of all positions at the Town, which is a task beyond the scope of the Personnel Committee. This service is available through the consultant currently working on the Employee Handbook at a cost of \$175/position. Positions certified annually by Civil Service include Code Enforcement Officer, Bookkeeper, Zoning Planning & Assessment Secretary, KPSW Clerk, KPSW Water Maintainer, and Highway: Mechanic, Laborer, MEOL, HEO, and Working Foreman. There was a lengthy discussion on the lack of human resource expertise at the Town level and the need for compliance with current law. Highway Superintendent Payne will look into obtaining job descriptions for the Highway Department from the County.

RESOLUTION #58-07

AUTHORIZE PUBLIC SECTOR HR CONSULTANTS TO DEVELOP JOB DESCRIPTIONS

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Whereas the Personnel Committee has been working on updating the Employee Handbook and has determined the need for current comprehensive job descriptions to implement said Handbook; and

Whereas Public Sector HR Consultants has submitted a proposal to provide the needed human resource expertise to develop job descriptions for specified positions as determined by the Town; and

Whereas the Board has determined the specified positions to include Code Enforcement Officer, Bookkeeper, Zoning Planning & Assessment Secretary, KPSW Clerk, KPSW Water Maintainers as certified annually by Yates County Personnel Department; and

Whereas the Highway Superintendent will determine up to five (5) specified positions for the Highway Department; now, therefore, be it

Resolved that the Supervisor be authorized to sign the Public Sector HR Consultants agreement to develop up to ten (10) job descriptions for a fee of \$175 per position title, plus travel expenses if applicable.

SUPERVISOR:

Supervisor Jones and Councilperson Hopkins attended training on the Local Update Census Addresses (LUCA) program that will be the mechanism for communities to work with the U.S. Census Bureau on the 2010 Census. The Town needs to supply accurate addresses for all residents to the Genesee/Finger Lakes Regional Planning Council who will then conduct the LUCA process at no cost to the municipalities in the nine county Region.

Along with Reapportioning Congressional Seats, the Census is also used for:

- Redistricting state legislative districts
- Municipal infrastructure planning
- Per capita funding allocation
- Transportation planning
- Health care planning
- Any many other decisions based on population and socio-economic characteristics.

ZONING CODE REVIEW SUBCOMMITTEE:

The Subcommittee is nearing completion of tabulating data gathered on variance application decisions for review.

RESOLUTION #59-07

NON-RENEWAL OF 2002 SEWER #2 INTER-MUNICIPAL AGREEMENT

On a motion of Councilperson Barden, seconded by Councilperson Hopkins, the following was

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart
Nays 0

Whereas after review of the Sewage Disposal agreement between the Village of Penn Yan and the Town of Jerusalem, which states that the Village will treat an average of 205,000 gpd per month, on behalf of any and all sewer improvement entities tributary to the PY sewer disposal system, WHICH NOW EXIST or WHICH IT MAY FORM AND/OR EXPAND including the Keuka Park Sewer District; and

Whereas the Water and Sewer committee review of the Inter-Municipal agreement, which allows an additional 60,000 gpd for a total of 265,000 gpd; and

Whereas the review of the 2006 monthly flow report shows an average of 95,418 gpd for the year; now therefore be it

Resolved that we not renew the Inter-Municipal Agreement between The Village of Penn Yan and the Town of Jerusalem pertaining to Sewer Extension #2 which expired on February 12, 2007. This agreement was entered into on February 13, 2002 at a cost of \$61,015 per year.

NYMIR INSURANCE RENEWAL

John Kuehn of Sprague Insurance spoke extensively on insurance issues related to the NYMIR Insurance Proposal for April 1, 2007-2008. He reviewed the premium summary, resulting in a premium reduction to \$43,123.29 due to the overall performance of the NYMIR program and the slight increase in interest rates for investments.

Mr. Kuehn spoke to the positive actions taken by the Town Board tonight, noting that the Highway Sign-Off Form and firming up employee-related practices are critical measures in risk reduction. The Town's initial line of defense starts with solid guidelines such as the Employee Manual and job descriptions that eliminate ambiguities.

In response to a question, he stated that all elected and appointed individuals working on Town matters are covered under the Public Officials insurance. Subcommittee members need to be documented along with minutes of their meetings. He stressed the importance of documentation as a trail of defense for any litigation.

RESOLUTION #60-07

825 EAST BLUFF DRIVE - HIGHWAY ENCROACHMENT AGREEMENT

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

ADOPTED Ayes 5 Barden, Folts, Hopkins, Jones, Stewart
Nays 0

Whereas due the recent sale of 825 East Bluff Drive, the Town is aware that the garage on the west side encroaches in the highway right-of-way; and

Whereas the Town has the option of making the owner move the garage or give them a license to leave it there; and

Whereas the Town is in agreement that the encroachment may continue until such time as the Town decides that it needs to use the area of the encroachment for the purpose of repairing, maintaining or widening East Bluff Drive or any other legal purpose, whereby at that time, the Town may revoke this permission; now, therefore, be it

Resolved that the Supervisor be authorized to sign the Karalow-Steinberg - Town of Jerusalem Highway Encroachment Agreement.

RESOLUTION #61-07

CLUSTER DEVELOPMENT REFERRAL TO PLANNING BOARD

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Whereas cluster development was identified in the Town's Comprehensive Plan as an action to encourage diverse rural residential living; and

Whereas the Code Enforcement Officer has been asked to work with the Town Attorney to prepare a preliminary draft regulation regarding cluster development that allows houses to be grouped together in one area of the parcel while the remaining area is devoted to open space; and

Whereas Attorney Bailey drafted said regulation for distribution to the Town Board and Planning Board; now, therefore, be it

Resolved that the Town Board refer cluster development to the Planning Board for their review and recommendation.

RESOLUTION #62-07

PRIVATE ROAD SPECIFICATIONS REFERRAL TO PLANNING BOARD

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Whereas Town personnel in conjunction with local contractors have drafted Private Road Construction Standards & Private Road

Requirements and had those document reviewed and approved by Town Attorney Bailey; and

Whereas the Town is desirous of adopting standards as stipulated under New York State Town Law 280A; now, therefore, be it

Resolved that prior to said enactment, that the regulations be reviewed by the Planning Board members, with any recommendations or comments forwarded to the Town Board.

ASSESSMENT UPDATE

Assessor Comstock addressed the Town Board members regarding possible revaluation of Town properties this year for the 2008 Assessment Roll. He has been following the equalization rate of both Jerusalem and Milo, whose residents pay over 60% of the Penn Yan School Tax bill. Jerusalem is at 39% and Milo at about 28%. However, Milo just completed a reval which will change their equalization rate and that will then change the percentage rate between the two towns a great deal.

Milo's new equalization rate will be impacted with their assessed value growing from \$260 million to over \$430 million. Those numbers impacting Milo's new equalization rate, coupled with Jerusalem's many sales, will serve to severely penalize our residents. Therefore, this is a good time for us to review our assessments.

NYS has forwarded us a packet asking for cost projections of our assessment update project. Some financial aid is available for reimbursement if the Town Board approves. The application must be submitted before the end of this month. Mr. Comstock submitted the Utility Advisory Appraisal Request Form to the State, noting that one lawsuit with Verizon from the 2004 reval still has not been brought to a conclusion.

The last reval was done in 2004. That information is in our computers and will serve us well in the reevaluation process.

RESOLUTION #63-07

APPLICATION FOR NYS FINANCIAL AID FOR 2008 ASSESSMENT UPDATE

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

ADOPTED	Ayes	5	Barden, Folts, Hopkins, Jones, Stewart
	Nays	0	

Resolved that the Assessor submit the Application for Review for the Maintenance of a System of Improved Real Property Tax Administration Aid for funds from New York State Office of Real Property Services for an update of our assessments for 2008.

"MIDDLE CLASS" STAR REBATE PROGRAM

Newly elected Governor Spitzer has proposed real property tax reform in the Executive Budget for years 2007-2008 by providing relief from school district taxes, known as "middle class STAR" program. It is a bit troublesome in that it would appear to require Social Security numbers to be supplied by applicants. Mr. Comstock, along with others across the State, has refused in the past to transmit individual Social Security numbers from residents. It is a bit premature to say how any new programs will be run, although it does appear that one is being planned.

Mr. Comstock indicated that he feels that the Town Board may wish to consider notifying our State representatives that income verification should be accomplished without the requirement of Social Security numbers, or at least not be obtained at the Town level.

YATES COUNTY FINANCE COMMITTEE

Supervisor Jones requested a meeting with the Yates County Finance Committee to discuss Resolution #49-07 increasing appropriation for the Branchport Free Library. County Legislator Fitch stated they meet April 3 at 6:00 P.M.

With there being no further information, on a motion of Councilperson Barden, seconded by Councilperson Hopkins, the meeting was adjourned at 9:25 P.M.

Sheila McMichael, Town Clerk