

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 19, 2017 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Dinehart, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tim Cutler, Doug Paddock, Ray Stewart, Ed Bronson, Bob Evans.

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

RESOLUTION #146-17
APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved that the minutes of the June 21, 2017 meeting be approved as read.

RESOLUTION #147-17
AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

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

General:	\$ 19,671.82
Outside Village	\$ 419.71
Highway DB:	\$ 49,797.31
Sewer:	\$ 8,757.45
Water:	\$117,850.82
Branchport Light	\$ 242.81

June Utilities:

General:	\$ 271.14
Outside Village	\$ 261.28
Highway DB:	\$ 4,572.10
Sewer:	\$32,386.68
Water:	\$ 504.57
Branchport Light	\$ 242.81

RESOLUTION #148-17
SUPERVISOR REPORT

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson

Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of June 2017 be accepted as presented.

PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE - 4663 VINE ROAD

Supervisor Killen opened the public hearing at 7:01 P.M. to consider a highway encroachment license request for 4663 Vine Road. Michael R. McGinnis & Bruce W. McGinnis are selling the subject property to Gregory W. and Monica M. Macalulos and have requested permission to keep and maintain the encroaching structure in its present location. Highway Superintendent Martin 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 #139-17).

The proof of certified mailing to surrounding property owners has not been provided to Town Clerk McMichael in accordance with Town Law 130.

The hearing was left open.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Belknap Hill and Armstrong Roads are prepped for oil and stoning.
- Clean up was done following the heavy rains last week.

TOWN ENGINEER

- The July 13, 2017 KPSW meeting was cancelled due to operational concerns related to the heavy rains.
- An update was given at the annual Bluff Point Association meeting on the possible sewer project provided for in the Larson Design Group's Wastewater System Study (last revised in April 2015).
- A 2018 budget meeting is scheduled tomorrow. The Town will be undertaking a sewer rehabilitation project estimated at \$172,500, along with our contractual Capital contribution of \$50,000 toward the Village of Penn Yan Improvements Project. The Town water system improvements project is estimated at \$800,000 to replace water mains in Keuka Park and painting and mixing units in the State Park water tank.

ASSESSOR

- Report on file.

RESOLUTION #149-17

AUTHORIZE ADDITIONAL FUNDS FOR DATA COLLECTION

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Whereas Assessor Brand has requested additional funds in 1355.4.10 Assessor sub-code; now, therefore, be it

Resolved \$2,500 be authorized, along with utilizing \$2,000 in the Assessor's training budget to complete the residential data collecting. Assessor Brand will complete the commercial properties. ORPS will forgo the agricultural properties.

Councilor Jones asked the Board be provided with a copy of the statement from ORPS in writing.

COUNCIL

- Linda Morris will assume the position of Deputy Clerk on August 7, 2017.
- Clean-Up Day was successful. Councilor Parson suggested next year:
 - o Hours be 8 A.M. - 1 P.M.
 - o Utilize volunteers from the Mennonite community as there were only 2 SWEEPS people this year.
 - o Ensure freon is removed from appliances.
 - o Establish a fee schedule for electronics.
- Councilor Jones is submitting a grant to DEC for reimbursement on the electronics disposal fee.
- Code Enforcement DeVoe is requesting funds for staff support for a project to address property maintenance issues. Supervisor Killen will ask CEO DeVoe to flesh out this project at tomorrow's budget meeting.

SUPERVISOR

- Stork Insurance has been asked to submit a proposal for our April 2018 insurance renewal.
- Supervisor Killen met with Bond Financial to discuss healthcare alternatives.
- Data is being gathered for the Countywide Shared Services Initiative (CWSSI) justice panel charged with formulating a plan to share services or merge government functions. The other panel is group purchasing medical insurance.

RESOLUTION #150-17

Letter of Permission Peasantman steel distance triathlon - August 21, 2016

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor send a letter of permission for the Peasantman triathlon to be held on August 20, 2017 starting at Indian Pines Park.

RESOLUTION #151-17

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled, "A Local Law to Amend Chapter 107 (Noise) of the Code of the Town of Jerusalem";

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on August 16, 2017, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

Resolution #152-17

Authorize Purchase of Highway 10-Wheeler with Plow Equipment

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Whereas the Highway Committee reviewed the equipment replacement schedule which includes a 10-wheeler chassis, box and plow equipment; and

Whereas the following quotes were received:

	MACK	MACK AUTO SHIFT	KENWORTH	KENWORTH AUTO SHIFT
	\$ 130,910.26	\$ 133,401.91	\$ 118,734.36	\$ 125,378.58
VALLEY FAB plow equipment	\$ 70,189.00	\$ 70,189.00	\$ 70,189.00	\$ 70,189.00
	\$ 201,099.26	\$ 203,590.91	\$ 188,923.36	\$ 195,567.58
CUMMINS MOTOR			\$ 3,990.00	\$ 3,990.00
			\$ 192,913.36	\$ 199,557.58
	MACK	MACK AUTO SHIFT	KENWORTH	KENWORTH AUTO SHIFT
	\$ 130,910.26	\$ 133,401.91	\$ 118,734.36	\$ 125,378.58
TENCO plow equipment	\$ 61,933.00	\$ 61,933.00	\$ 61,933.00	\$ 61,933.00
	\$ 192,843.26	\$ 195,334.91	\$ 180,667.36	\$ 187,311.58
CUMMINS MOTOR			\$ 3,990.00	\$ 3,990.00
Extended Warranty		\$ 275.00		
		\$195,609.91	\$184,657.36	\$191,301.58

Whereas after review of quotes and specifications, the Mack Auto Shift on Onondaga County Heavy Truck Class 8 Statewide Contract #7823 with the Tenco plow equipment was found to be the best value; now, therefore, be it

Resolved the Highway Superintendent be authorized to order said truck and plow equipment at a cost of \$195,609.91 for delivery in 2018. The proceeds for this purchase shall be taken from the DB 5130.2.

RESOLUTION #153-17

Agreement -Use of Milo Vehicles/Equipment by Jerusalem

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor be authorized to execute the Agreement -
Use of Milo Vehicles/Equipment by Jerusalem.

RESOLUTION #154-17

Agreement - Sharing of Highway Services by Jerusalem

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor be authorized to execute the Agreement -
Sharing of Highway Services by Jerusalem.

RESOLUTION #155-17

Agreement - Use of Jerusalem Vehicles/Equipment by Milo

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor be authorized to execute the Agreement -
Use of Jerusalem Vehicles/Equipment by Milo.

RESOLUTION #156-17

Agreement - Sharing of Highway Services by Milo

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

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor be authorized to execute the Agreement -
Sharing of Highway Services by Milo.

HUMAN RESOURCES, JOB DESCRIPTIONS AND PERFORMANCE EVALUATIONS

Councilor Parson recommends utilizing a human resource person to develop job descriptions, pay scale and performance evaluations for the office staff. Attempts have been made over the years, but never completed. County Legislator Paddock offered to have Yates County Personnel Officer Kerry Brennan conduct a job analysis, noting the Town Board has to commit to completing the task.

SUBCOMMITTEE REPORTS:

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

The Subcommittee meeting has not been scheduled.

NYS DEC GRANT FOR INVASIVE SPECIES RAPID RESPONSE AND CONTROL

KWIC has been awarded grant funds from NYS DEC for the eradication or remediation of the Starry Stonewort invasive species.

(Resolution #49-17)

8242 EAST BLUFF DRIVE STEEP SLOPE

A revised set of plans on the Licciardello Steep Slope Application has not been submitted for review by the CEO, Planning Board, Highway Superintendent and Yates County Soil & Water.

PUBLIC COMMENT

- An interim Yates County Real Property Tax Service Director has been appointed.
- The County passed a local law pertaining to wireless communication surcharges that will bring additional revenue to the 911 center.
- The County adopted their mission and vision statement.

RESOLUTION #157-17

CLOSE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE - 4663 VINE ROAD

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

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
Nays 0

Resolved the public hearing to consider a highway encroachment license request for 4663 Vine Road be closed at 8:20 P.M.

RESOLUTION #158-17

SCHEDULE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE AGREEMENT - VINE ROAD

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

ADOPTED Ayes 5 Anderson, Dinehart Jones, Killen, Parson
Nays 0

Whereas proof of certified mailing to surrounding property owners has not been provided to the Town Clerk in accordance with Town Law 130 to continue a highway encroachment at 4663 Vine Road; now, therefore, be it

Resolved a public hearing to consider a request for a license for said encroachment be held at 7:10 P.M. on August 16, 2017.

Jerusalem Town Board
July 19, 2017

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Parson, the meeting was adjourned at 8:21 P.M.

Sheila McMichael, Town Clerk

Exhibit 1
Local Law No. E of the year 2017

A Local Law to Amend Chapter 107 (Noise) of the Code of the Town of Jerusalem

Be it enacted by the Town Board

Town of Jerusalem as follows:

SECTION 1. Chapter 107 (Noise) of the Code of the Town of Jerusalem is hereby repealed and a new Chapter 107 is hereby inserted in its place to read as follows:

Chapter 107. Noise

§ 107.1 Legislative intent.

The Town Board of the Town of Jerusalem hereby declares its intent to prevent unreasonable or unnecessary loud and disturbing noises as they are deemed to be detrimental to the health, welfare and quality of life to the people of the Town of Jerusalem. By this enactment, the Town Board intends to preserve, protect and promote the public health, safety and welfare and to foster peace within the Town of Jerusalem, and, in this regard, the Town Board does hereby enact the following Chapter. It is the intention of the Town Board that this chapter shall be liberally construed so as to effectuate the purposes described in this chapter.

§ 107.2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON - Persons, corporations, limited liability companies, companies, associations, joint-stock associations, partnerships, co-partnerships, estates or any other entity and persons, their assignees, lessees, trustees or receivers appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state, municipal and public districts.

UNREASONABLE/UNNECESSARY NOISE – Any excessive or unusually loud noise (verbal, electronic or other means), which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities. During hours of repose, any noise audible on adjacent properties not necessary for protection or preservation of property or of the health, safety, life or limb of a person may be considered an unreasonable/unnecessary noise.

HOURS OF REPOSE – That time period between the hours noted as follows:

- 10:00 p.m. Sunday through 7:00 a.m. Monday
- 10:00 p.m. Monday through 7:00 a.m. Tuesday
- 10:00 p.m. Tuesday through 7:00 a.m. Wednesday
- 10:00 p.m. Wednesday through 7:00 a.m. Thursday
- 10:00 p.m. Thursday through 7:00 a.m. Friday

12:00 a.m. Saturday through 7:00 a.m. Saturday
12:00 a.m. Sunday through 7:00 a.m. Sunday

ANIMAL NOISE – Any noise emitted from a dog or other domesticated animal.

§ 107.3 Prohibited acts.

- A. No person shall cause, suffer, allow or permit to be made an unreasonable/unnecessary noise whether within or without the hours of repose.
- B. No person shall fail to control animal noise that is substantially continuous and repetitive for a period in excess of 15 minutes, as it is unreasonable noise, whether within or without the hours of repose.

§ 107.4 Exceptions.

The provisions of this chapter shall not apply to the following acts:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Noise from municipality permitted celebrations or events for public assembly or where other relevant permission has been obtained from the governmental body with any restrictions applicable.
- C. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus, or device by any church, synagogue or school licensed or chartered by the State of New York.
- D. Noise generated by the installation and maintenance of utilities.
- E. Noise generated in an industrial operation as a normal consequence of the manufacturing process.
- F. Noise generated from an agriculture operation as reasonable for such purposes.
- G. Noise generated by a sporting event as reasonable for such purposes including time of day.
- H. Noise generated from normal traffic flow with the exception of deliberate squalling of tires on the pavement.
- I. Sounds created by a municipality during any emergency repair and maintenance or any other repair or maintenance undertaken by the municipality.

§ 107.5 Enforcement.

Upon receipt of a complaint by any person(s) by the Yates County Sheriff's 911 Center or by a law enforcement officer, a police officer or a peace officer will be dispatched to investigate any complaint regarding noise in violation of this chapter and may exercise all those lawful powers and duties deemed necessary to enforce the provisions of this ordinance.

§ 107.6 Prosecution.

Upon the filing of an accusatory instrument in an applicable local criminal court alleging a violation of this chapter, said accusatory instrument shall be prosecuted by the Town of Jerusalem attorney, unless said attorney has a conflict of interest and then by the District Attorney.

§ 107.7 Penalties for offenses deemed violations.

- A. Any person who is convicted for a first offense of any provision of this chapter shall be subject to a fine not less than \$100 and not to exceed \$250.
- B. Any person who is convicted for a second offense committed within a period of one year after conviction for a first offense hereunder shall be guilty of a violation and shall be subject to a fine of not less than \$250.
- C. Any person who is convicted hereunder for a third or subsequent offense(s), all of which were committed within a two-year time period shall be guilty of a violation and shall be subject to a fine of not less than \$250 and/or to jail time of up to ten days.
- D. In addition to the foregoing, the Town of Jerusalem may also seek injunctive relief to prevent the continued protection of this chapter and the public.

SECTION 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 3. This local law shall take effect upon both the filing with the Secretary of State.

Exhibit 2
TOWN OF JERUSALEM
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 16th day of August, 2017, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2017, entitled "A Local Law to Amend Chapter 107 (Noise) of the Code of the Town of Jerusalem ", which would repeal in its entirety the existing Chapter 107 of the Code of the Town of Jerusalem containing the Town's Noise Law and adopt a new Chapter 107 containing new regulations to take its place.

This local law would adopt regulations dealing with the following:

- Legislative intent
- Definitions
- Prohibited acts
- Exceptions
- Enforcement
- Prosecution
- Penalties

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Town of Jerusalem, New York.

This by Resolution of the Town Board of the Town of Jerusalem.

Sheila McMichael, Town Clerk