

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 20, 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, Ray Stewart, Ed Bronson, Doug Paddock, Gary Smith, Karen Hines and other unidentified guests.

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

A moment of silence was taken in honor of Larry Muscarella who recently passed. Mr. Muscarella served as Budget Officer since 2007.

**RESOLUTION #176-17**  
**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the August 16, 2017 meeting be approved as read.

**RESOLUTION #177-17**  
**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:	\$ 16,207.43
Outside Village	\$ 6,108.85
Highway DB:	\$198,335.04
Sewer:	\$ 9,309.33
Water:	\$ 46,269.04
Trust:	\$ 4,142.00

August Utilities:

General:	\$ 1,063.42
Outside Village:	\$ 408.20
Highway DB:	\$ 7,546.75
Sewer:	\$37,303.84
Water:	\$ 757.08
Trust:	\$36,003.09

RESOLUTION #178-17  
SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Dinehart, 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 August 2017 be accepted as presented.

PUBLIC HEARING - KEUKA PARK SEWER DISTRICT REHAB CAPITAL PROJECT

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:05 P.M., asking for comments on the proposed Keuka Park Sewer District Rehabilitation Project.

No one from the public wished to comment. The hearing was left open.

PRESENTATION - BEV EGGLESTON, SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Supervisor presented an overview of the 2017 summer program. 94 campers enrolled. Photographs were displayed of various activities including arts, crafts, sports, community service projects and field trips. A new activity added this year, Ninja Warriors, was a huge success. Thank you cards were sent to the Walters Family for their \$100 donation to the program. Program evaluations were shared with the Board. Mrs. Eggleston noted swimming was limited this year, but hopes to fill the Water Safety Instructor position next year.

PRESENTATION - 2018 HEALTH/DENTAL OPTIONS

Christine Sprague of Sprague Insurance distributed health/dental information for consideration. She will advise if any information provided changes following the annual brokers meeting on Friday. She reviewed various rates/options and educated the Board on how these plans perform.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Work continues on roads damaged during the flood. We have two roads remaining that must be repaired in 2018.

TOWN ENGINEER

- Notes of the September 8, 2017 KPSW meeting on file in the Office of the Town Clerk.

- Hydrant repairs were done working cooperatively with the Highway Department and their mini excavator.

ASSESSOR

- Report on file.
- 99% of the data collection is complete.
- The Board will clarify who is completing the commercial and agricultural properties as it was not clear in the report.

PUBLIC HEARING - KEUKA PARK SEWER DISTRICT REHAB CAPITAL PROJECT

In response to an inquiry from an East Bluff Drive resident, Town Engineer Ackart explained the proposed improvements include relining sections of the existing sewer main in the original 1969 district and rehabilitating existing manholes. The project also includes a contribution required by contract to the Village of Penn Yan for recent maintenance/upgrades to the Village sanitary sewer collection system. The project cost will be shared by all Keuka Park Sewer District customers.

COUNCIL

- Councilor Parson reported a hiccup in our computer program resulted in the loss of WagSys building department program data that is also used by the Assessor to value properties.
- Councilor Jones has not received a response to his request to add language covering the reimbursement of professional fees to our application forms. Supervisor Killen will follow up on this.

RESOLUTION #179-17

AUTHORIZE ATTENDANCE AT NYMIR TRAINING

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

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

Resolved staff be authorized to attend the NYMIR Workplace Violence & Sexual Harassment Prevention Program and Distracted Driving Prevention on September 28, 2017 at the Town of Milo Office.

RESOLUTION #180-17

OPT OUT OF NEW YORK STATE PAID FAMILY LEAVE PROGRAM

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 Town of Jerusalem opt out of the New York Paid Family Leave Program that would be added to our existing statutory disability policy.

SUPERVISOR

- The County Shared Service Initiative Plan was shared with the Town Board. The panel was charged with formulating a plan to share services or merge government functions that would yield property tax savings for County residents. Their focus was on consolidation of justice courts and health insurance consortia. Three public hearings were held on August 28, August 31 and September 5.
- Supervisor Killen thanked Jud's Nursery for their annual clean-up of the landscaping at the Town Hall.
- Supervisor Killen received two letters opposing Local Law E of 2017 amending the noise ordinance, along with electronic correspondence. It was clarified there is an ordinance in place that needs to be amended as it is not functioning as currently written.

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

Chairman Tim Cutler reported they are reviewing and reworking the 2005 community survey used to create our 2006 Comprehensive Plan.

RESOLUTION #181-17

REPLACE TOWN OF JERUSALEM OFFICE PARKING LOT LIGHT

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

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

Resolved an amount not-to-exceed \$600 be authorized to replace and install the streetlight in the Town of Jerusalem Parking Lot for safety of staff and visitors.

RESOLUTION #182-17

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF JERUSALEM, YATES COUNTY, NEW YORK, DETERMINATION OF SIGNIFICANCE - NOISE LAW

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

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

WHEREAS, the Town of Jerusalem Town Board, hereinafter referred to as Town Board, has determined the proposed Local Law Amending Chapter 107 (Noise) of the Code of the Town of Jerusalem to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

PROPOSED LOCAL LAW E OF 2017 AMENDING CHAPTER 107 NOISE

Councilor Jones recommended the following changes to proposed Local Law E of 2017 amending Chapter 107 Noise:

- 107.4 C. Eliminate-- Radio or other instrument, apparatus or device  
H. Correct the word Squalling to Squealing

107.5 Correct a typo--"Upon receipt of a complaint by any person(s) to the Yates County Sheriff's 911 Center or to a law enforcement officer,..."

Hours of repose: 11:00 p.m. Friday through 7:00 a.m. Saturday  
11:00 p.m. Saturday through 7:00 a.m. Sunday

RESOLUTION #183-17

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 5 OF 2017 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 107 (NOISE) OF THE CODE OF THE TOWN OF JERUSALEM"

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

ADOPTED BY ROLL CALL VOTE:

Councilor Dinehart	Aye
Supervisor Killen	Aye
Councilor Parson	Aye
Councilor Anderson	Aye
Councilor Jones	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on August 16, 2017, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Chapter 107 (Noise) of the Code of the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on August 2, 2017 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on August 16, 2017, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law with the recommended changes presented tonight.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 5 of 2017, entitled "A Local Law to Amend Chapter 107 (Noise) of the Code of the Town of Jerusalem", a copy of which is attached hereto and made a part of

this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of the adoption of said local law to the Secretary of State of New York.

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
- 11:00 p.m. Friday through 7:00 a.m. Saturday

11:00 p.m. Saturday 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, bell, or chimes 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 squealing 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) to the Yates County Sheriff's 911 Center or to 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.

RESOLUTION #184-17

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF JERUSALEM, YATES COUNTY,  
NEW YORK, DETERMINATION OF SIGNIFICANCE - IMPROVEMENTS TO KEUKA PARK  
SEWER DISTRICT TOWN OF JERUSALEM YATES COUNTY NY

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

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

WHEREAS, the Town of Jerusalem Town Board, hereinafter referred to as Town Board, has determined the proposed Improvements to Keuka Park Sewer District to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

RESOLUTION #185-17

CLOSE PUBLIC HEARING - PROPOSED IMPROVEMENTS TO THE KEUKA PARK SEWER DISTRICTS

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

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

With all persons desiring to be heard, Supervisor Killen closed the hearing at 8:30 P.M.

The regular meeting was reconvened.

RESOLUTION #186-17

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF JERUSALEM APPROVING PROPOSED IMPROVEMENTS TO THE KEUKA PARK SEWER DISTRICTS

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

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

WHEREAS, the Town Board of the Town of Jerusalem has duly caused to be prepared a map and plan and estimate of the cost for improvements to the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 to consist of relining sections of the existing sanitary sewer system with a trenchless, cast in place, pipe liner and full rehabilitation of the existing manholes. The project also includes a required contribution to the Village of Penn Yan for recent maintenance/upgrades to their sanitary sewer collection system; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$172,500.00 with an additional capital contribution of \$50,000 towards the village of Pen Yan Improvements Project, such estimated costs to be the responsibility of the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3. All of this \$222,500.00 is to be financed and repaid by the owners of property within the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3; and

WHEREAS, the Town Board of the Town of Jerusalem duly adopted a resolution on August 16, 2017, calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, on September 20, 2017, at 7:00 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, the Town Board has duly considered all of the evidence given at such public hearing;

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of these improvements to the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Jerusalem that, based upon the evidence given at the aforesaid public hearing and its review of the environmental assessment form and findings based thereon, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 in the Town of Jerusalem, as described in the preambles hereof, at an estimated cost of \$222,500.00, and the same is hereby authorized.

RESOLUTION #187-17

Authorize Larson Design Task Order - Sewer Rehab Capital Project

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

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

Whereas the Town Board held a public hearing on Proposed Improvements to the Keuka Park Sewer Districts on September 20, 2017 and thereafter passed Resolution #186-17, authorizing same;

Now therefore be it resolved that the Supervisor is hereby authorized to sign Task Order # 1-17 in accordance with Item 16 of the 2/12/2016 Engineering Consultant Agreement between the Town of Jerusalem and the Larson Design Group in an amount not to exceed \$22,500 to provide the necessary design, bidding, construction administration and oversight services for said Project.

RESOLUTION #188-17

BOND RESOLUTION DATED SEPTEMBER 20, 2017 OF THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

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

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

WHEREAS, the Town of Jerusalem Keuka Park Sewer District is a Sewer District of the Town of Jerusalem, New York, and Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 are Sewer District Extensions of the Town of Jerusalem, New York duly established by the Town Board pursuant to the Town Law and,

pursuant to a resolution adopted on September 20, 2017, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on September 20, 2017, has duly issued a negative declaration and has determined that the implementation of the unlisted action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Jerusalem shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Jerusalem Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3, authorized by the Town pursuant to Section 202-b of the Town Law pursuant to a resolution adopted on September 20, 2017, acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$222,500 and said amount is hereby appropriated therefor, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Jerusalem of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$222,500. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the

issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by Section 58.00 of the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Jerusalem.

Section 7. The faith and credit of the Town of Jerusalem, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be

payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Jerusalem together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

RESOLUTION #189-17

CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17 - 23

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

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

WHEREAS, Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, It is the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies, and

WHEREAS, The anniversary of the signing of the Constitution provides an historic opportunity for all Americans to remember the

achievements of the Framers of the Constitution and the rights, privileges and responsibilities they afforded us in this unique document, and

WHEREAS, The independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of America in accordance with Public Law 915, now

THEREFORE, I, Patrick Killen, by virtue of the authority vested in me as Jerusalem Supervisor, County of Yates, State of New York do hereby proclaim the week of September 17 through 23 as

#### CONSTITUTION WEEK

In the Town of Jerusalem, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of the American Citizens.

#### Resolution #190-17

#### Declare Surplus Highway Equipment - 1971 Gallion Grader

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

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

Resolved that the 1971 Gallion Grader Model# T500 be declared as surplus equipment; and, be it, further

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

#### Resolution #191-17

#### Declare Surplus Highway Equipment - Salt Spreader

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

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

Resolved that the 8' Stainless Steel Air-Flo Electric Salt Spreader be declared as surplus equipment; and, be it, further

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

Resolution #192-17

Declare Surplus Highway Equipment - Grader Tires

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

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

Resolved 6 used Grader Tires size 14.00 - 24 be declared as surplus equipment; and, be it further

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

Resolution #193-17

BAR Appointment - Parker Reynolds

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

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

Resolved that Parker Reynolds be appointed to the Board of Assessment Review for a five-term October 1, 2017 - September 30, 2022.

RESOLUTION #194-17

Consolidated Keuka Park Water District - Out-of-District User Agreement - 3779 Stever Hill Road

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

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

Whereas, James & Kim Bedient owning property at 3779 Stever Hill Road, Branchport, NY (TM# 95.01-1-15) applied to the Town of Jerusalem to purchase water from the Water District for his/her/their own personal use and benefit; and

Whereas, the Water District owns and maintains a water transmission system and water district main in the Town of Jerusalem; and

Whereas the Water District is willing to transmit needed water, only to Owner; now, therefore, be it

Be it resolved, the Town of Jerusalem Town Board and Supervisor are authorized to execute the Out-of-District User Agreement between the Town of Jerusalem, on behalf of the Consolidated Keuka Park Water District and James & Kim Bedient.

Resolution #195-17

Authorize immediate disbursement of Larry Muscarella's 2017 budget officer pay to his estate

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

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

Whereas Larry Muscarella was previously named the Town of Jerusalem Budget Officer, and

Whereas the 2017 preliminary budget was substantially completed at the time of his passing on August 26th, and

Therefore be it resolved that the Town of Jerusalem shall disburse his full 2017 pay less any tax deductions as he had arranged

RESOLUTION #196-17

PRESENT TENTATIVE 2018 BUDGET

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

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

Resolved the Tentative 2018 Town, Water & Sewer Budget be presented to the Town Clerk; and, be it, further

Resolved a Budget Workshop be held September 27, 2017 at 10:00 A.M.

Copies are available to the public upon request. Supervisor Killen will provide the budget highlights as requested by Councilor Parson.

RESOLUTION #197-17

INTRODUCING LOCAL LAW F-2017 TO OVERRIDE THE TAX LEVY LIMIT AND CALLING A PUBLIC HEARING

On a motion of Supervisor Killen, seconded by Councilor Anderson

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 to override the tax levy limit established in General Municipal Law §3-c; and

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 October 18, 2017, at 7:00 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 newspapers 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 #198-17

Resolution on mileage reimbursement guidelines

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

ADOPTED       Ayes       4   Anderson, Dinehart, Killen, Parson  
                  Nays        1   Jones

Whereas the IRS does not allow deduction for commute to work (miles driven to or from your principal place of employment), and

Whereas the current TOJ policy does not clearly state that mileage reimbursement is not to be paid for commute to or from work at the Town Office, and

Therefore be it resolved that mileage reimbursement shall not be paid for travel to and from work at the Town Office, but only for other travel to or from other locations required by duties and approved by handbook policy and Town Board. Efforts should be made to use Town vehicles whenever available to save mileage costs.

PUBLIC COMMENT

- Karen Hines and Gary Smith thanked the Board for their work on the noise ordinance on behalf of the Keuka Park Association.

- Gary Smith requested the required procedure to handle a zoning matter. Supervisor Killen responded talk to the Code Enforcement Officer or, if they weren't comfortable, the matter could be submitted to him and he will get it to the Code Enforcement Officer. He noted pictures can be helpful in reviewing a situation.

RESOLUTION #199-17

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss Union negotiations.

Ray Stewart and Town Engineer Ackart were asked to attend.

The Executive Session convened at 8:48 P.M.

The following information was supplied by Councilor Jones:

The Board reconvened in regular session at 9:39 P.M.

With there being no further business, the meeting was adjourned at 9:39 P.M.

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Sheila McMichael, Town Clerk

Exhibit 1

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board (Name of Legislative Body)

Town of Jerusalem as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Jerusalem, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Jerusalem to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Jerusalem, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon 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 Board of the Town of Jerusalem on the 18<sup>th</sup> day of October, 2017, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2018 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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 may be obtained at the Office of the Town Clerk at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York during regular business hours.

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

Sheila McMichael, Town Clerk