

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 17, 2019 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tim Cutler, Steve Castner, Tony Hurd, Doug Paddock, John Christensen; *Chronicle Express* Reporter

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

**RESOLUTION #71-19**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the March 20, 2019 meeting be approved as read.

**RESOLUTION #72-19**

**AUDIT OF CLAIMS**

On a motion of Councilor Stewart, seconded by Supervisor Killen, 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:	\$94,406.39
Outside Village	\$ 908.63
Sewer:	\$46,375.63
Water:	\$13,857.14
Branchport Light	\$ 265.81
Water Capital:	\$ 2,940.00
Trust:	\$ 7.24

March Utilities:

General:	\$ 749.19
Outside Village:	\$ 240.35
Highway DB:	\$ 8,339.60
Sewer:	\$ 181.74
Water:	\$ 826.60
Trust:	\$26,644.08

**RESOLUTION #73-19**

**AUTHORIZE PAYMENT OF RILEY AND GRAFF INVOICE**

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 Riley and Graff invoice #6993 be approved in the amount of \$675.00. The \$405.00 charge for services rendered regarding the SAM grant will be submitted to KLOC for payment.

RESOLUTION #74-19  
SUPERVISOR REPORT

On a motion of Supervisor Killen, 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 March 2019 be accepted as presented.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Necessary roadwork on West Bluff Drive will be a challenge this year due to the amount of construction underway.
- Planned roadwork will be reduced due to the Yates County bid for oil and dust oil increasing \$.68/gallon.
- The State cut the extreme winter reimbursement from their budget resulting in a reduction of \$49,000 for the Town.
- We do not anticipate traffic issues related to NYS DOT detouring traffic 2.5 miles north of Hammondsport starting April 22<sup>nd</sup>.

RESOLUTION #75-19  
AUTHORIZE CD INVESTMENT FOR HIGHWAY MONIES

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

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

Whereas the Highway Committee reviewed the equipment replacement schedule and recommends \$250,000 be invested in accordance with our Comprehensive Financial Management Policy; and

Whereas Five Star Bank will match competitors' rates; now, therefore, be it

Resolved Highway Superintendent Martin, Town Clerk McMichael and Deputy Clerk McKay make necessary arrangements to invest \$250,000

in a Certificate of Deposit for a period of 12 months with Five Star Bank.

TOWN ENGINEER

- Notes of the April 11, 2019 KPSW meeting on file in the Office of the Town Clerk.
- Councilor Stewart will work with Town Engineer Ackart to identify available sewer monies for investment.
- The 2018 Annual Water Quality Report has been posted on the Town website.
- The Iron Man Triathlon is scheduled for June 9<sup>th</sup> which may require coordination with the water rehab capital project expected to begin in late May.
- FEMA is updating flood maps that will include Sugar Creek, its six tributaries and five other tributaries.
- The change in the monthly KPSW Committee meeting from May 2<sup>nd</sup> to May 9<sup>th</sup> has been posted.

ASSESSOR

- Report on file.

COUNCIL

- Clean-Up Day is scheduled for June 15, 8:30-1:30. Details to follow with flyers and advertising.
- Councilor Sisson reported the Zoning Board was not aware that Local Law 1-2019 zoning amendments had been filed with the State and were in effect.
- Supervisor Killen will follow up with Code Enforcement Officer DeVoe about getting the 2012 Escape cleaned and up for sale.
- The 9th Annual Land Use Leadership Alliance (LULA) Training is April 29<sup>th</sup> at the Yates County Auditorium.

SUPERVISOR

RESOLUTION #76-19

AUTHORIZE CHECK SCANNER FOR THE BUILDING DEPARTMENT

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

DEFEATED Ayes 2 Anderson, Killen  
Nays 3 Jones, Sisson, Stewart

Resolved the Building Department staff be authorized to use the check scanner; and, be it further

Resolved the Supervisor be authorized to sign an agreement with Five Star Bank to update the accounts to add General Outside Village.

A discussion ensued. Councilor Stewart again stated that the January meeting with the Building Department staff was inconclusive. The formal process has not been established. The Town Clerk takes deposits to the bank.

RESOLUTION #77-19

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW D-2019 AMENDING LOCAL LAW 5-2011 REGARDING A TAX EXEMPTION FOR COLD WAR VETERANS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	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 amending Local Law 2 of 2010 to remove the ten year limitation for the cold war veteran's exemption pursuant to §458-b of the Real Property Tax Law that was otherwise left in place by Local Law 5 of 2011; 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 May 15, 2019, 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.

KENNEL REGULATIONS SUBCOMMITTEE

Attorney Graff had several questions following review of our proposed Kennel Regulations. Supervisor Killen will forward the response drafted by Subcommittee member Cutler to Attorney Graff. Mr. Cutler offered to speak directly with Attorney Graff to ensure all concerns are addressed, noting the Zoning and Planning Boards need more specific guidelines when reviewing special use applications for kennels.

PROPOSED LOCAL LAW C-2019 AMENDING CHAPTER 145 TO ADD NEW PARKING REGULATIONS

The Town Board adopted proposed Local Law B-2019 amending Chapter 145 to add new parking regulations at the March 20, 2019 meeting with the amendment to remove the Sunday exception. This is a significant change requiring a new public hearing on the proposed regulations as amended.

RESOLUTION #78-19

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW C-2019 AMENDING CHAPTER 145 TO ADD NEW PARKING REGULATIONS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart  
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 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations";

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "3" 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 March 20, 2019, at 7:10 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 "4"; 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 #79-19

AUTHORIZE TRAINING - JUSTICE AND COURT CLERK

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

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

Resolved Justice Whitford and Court Clerk Warren be authorized to attend Office of Justice Court Support training on May 17, 2019 in Geneva with the expense to be funded from 1110.4.

RESOLUTION #80-19

AUTHORIZE TRAINING - ASSESSOR AND ASSESSING CLERK

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

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

Resolved the Assessor and Assessing Clerk be authorized to attend Residential Manual Model in V4, a one-day class offered by ORPTS in Batavia on Wednesday, July 31, 2019 from 9:00am -4:00pm.

RESOLUTION #81-19

ACCEPT HOMETOWNE ENERGY GAS BID

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 bid on gas, road, diesel and fuel oil be awarded to Hometown Energy Gas off of the Yates County bid.

RESOLUTION #82-19

DECLARE SURPLUS HIGHWAY EQUIPMENT

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

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

Resolved that the following Highway Equipment be declared as surplus equipment:

	VIN#
2008 FORD 550 TRUCK	1FDAF57R78EB34213
2012 CHEVY 3500 PICKUP	1GC3KZCZCZ304774
1985 MACK DUMP TRUCK	1M2N275Y3FA002086
2006 STERLING DUMP TRUCK	2FZAAZDE76AW99641
1972 GALLION GRADER	
6 USED GRADER TIRES	
4 USED LOADER TIRES	

; and be it further

Resolved the Highway Superintendent be authorized to advertise the sale of said items with the proceeds deposited into the DB5130.2.

RESOLUTION #83-19

AUTHORIZE PURCHASE OF 550 TRUCK AND ¾ TON TRUCK

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

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

Resolved the Highway Superintendent be authorized to obtain quotes and purchase the following:

550 truck not-to-exceed \$100,000  
¾ ton truck not-to-exceed \$35,000

The proceeds for these shall be taken from the Highway Fund Balance.

RESOLUTION #84-19

AUTHORIZE 2020 PURCHASE OF 10-WHEELER TRUCK

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

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

Resolved the Highway Superintendent be authorized to obtain quotes for a 10-wheeler truck in an amount not-to-exceed \$220,000 for delivery in 2020. The proceeds for this purchase shall be taken from the 5130.2.

RESOLUTION #85-19

GENERAL BUDGET AMENDMENT - GARAGE

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

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

Whereas, several items declared as surplus (Resolutions #227-18 and #228-18) were sold on Auctions International; 2000 Sterling plow truck \$10,500, used metal siding \$1,500, used Stinger Blades \$1,600, auto canvas \$400 and \$ 50.00 for misc. small items and

Whereas, Auctions International compensated the Town March 20, 2019 and

Whereas, these surplus items were not made part of the 2019 Town Budget as revenue and

Whereas, the Highway Superintendent desires to purchase metal siding, concrete to repair the floor and other misc. items, not to exceed \$14,050.00, for the highway garage; now, be it

Resolved that the 2019 General Budget be amended as follows

Increase 2650 (Sale of Surplus Scrap)	\$14,050.00
Increase 5132.4 (Garage)	\$14,050.00

RESOLUTION #86-19

NEW YORK RURAL WATER ASSOCIATION'S 40<sup>TH</sup> ANNUAL TECHNICAL TRAINING WORKSHOP & EXHIBITION

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

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

WHEREAS, New York Rural Water Association is hosting their 40<sup>th</sup> Annual Technical Training Workshop & Exhibition, Monday, May 20, 2019 through Wednesday, May 22<sup>rd</sup>, 2019 at the Turning Stone Resort in Verona, New York; and

WHEREAS, Operator contact hours are a requirement of the New York State Department of Health for recertification. Accreditation of Operator contact hours will be given for attendance; and

WHEREAS; Instruction and Training in included in the 2019 Sewer/Water budgets; now,

Therefore, be it resolved to authorize attendance of (1) person for the Sewer & Water Department to attend the New York Rural Water Association's 40<sup>th</sup> Annual Technical Conference & Exhibition 2019 with costs being split between the 8120 and 8340 funds.



RESOLUTION #87-19

AUTHORIZE PURCHASE OF WATER TANK MIXER

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 Town received bids on February 28, 2019 for the \$782,000 Capital Project for Improvements to the Town Water System consisting of two contracts; and

Whereas the Town Board awarded Contract 1 for Distribution System Improvements and rejected all bids received for Contract 2 for Water Storage Improvements which in part provided for the purchase and installation of two (2) water storage tank mixers for water tanks #3 and #4 on March 20, 2019; and

Whereas the Keuka Park Consolidated Water District desires to purchase one such tank mixer to improve the water quality provided by said District and received two e-mail quotes as follows:

Siewert \$8,998.00  
Medora \$9,720.00

Now, therefore, be it resolved the purchase of one tank mixer be authorized by the issuance of a purchase order to Siewert Equipment for \$9,198.00, said mixer to be installed by Town personnel; and, be it further

Resolved said purchase be expensed from the unappropriated fund balance with a budget amendment to 8340.2 Water Transmission and Distribution appropriation.

RESOLUTION #88-19

AUTHORIZE PLANNING BOARD TRAINING

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

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

Resolved to authorize attending of 3 persons from the Planning Board to attend the G/FLRPC Spring 2019 Regional Local Government Workshop in Pittsford at a cost of \$75/person plus travel expenses with the cost taken from the 8020.4. Those attending are Georgann Farrell, John Wheeler and Tim Cutler to meet 2019 training requirements.

PUBLIC COMMENT

- Correspondence will be forthcoming from Town of Italy Attorney Ed Brockman regarding the abandonment of Charles Emerson Road. Approximately 300' of this road extends into Jerusalem. This will be placed on the May Town Board agenda.
- Legislator Paddock stated the County is submitting grants to fund expanding broadband.
- Legislator Cutler reported the County adopted resolutions opposing three firearm items on the State docket. The County's final audit report will be forthcoming. The County is in a good financial position.
- John Christensen encouraged the Board to expand the scope of our Clean-Up Day to ensure items are disposed of properly, noting a tv has been left behind the shed in Indian Pines Park. Discussion ensued including available disposal avenues and planning for the future with the anticipated closure of the landfill in Flint.
- Supervisor Killen stated we are in receipt of the Decision and Order from the Court dismissing the Angelo Licciardello Article 78 proceeding.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Sisson, the meeting was adjourned at 8:20 P.M.

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Sheila McMichael, Town Clerk

Exhibit 1

TOWN OF JERUSALEM  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 15th day of May, 2019, 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 2019, entitled “A Local Law Amending Local Law No. 5 of the Year 2011, Entitled “A Local Law to Establish the Cold War Veterans Real Property Tax Exemption in the Town of Jerusalem””. This local law would remove the ten-year limitation for the cold war veteran’s exemption pursuant to §458-b of the Real Property Tax Law that was otherwise left in place by Local Law 5 of 2011.

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, Branchport, New York 14424.

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

Sheila McMichael, Town Clerk

Exhibit 2  
Local Law No. D of the year 2019

A Local Law Amending Local Law No. 5 of the Year 2011, Entitled “A Local Law to Establish the Cold War Veterans Real Property Tax Exemption in the Town of Jerusalem”

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. The purpose of this law is to remove the ten-year limitation for the cold war veteran’s exemption as set forth in subsection 2 (c)(iii) of § 458-b of the NYS Real Property Tax Law. Subsection 2 (c)(iii) of § 458-b of the NYS Real Property Tax Law permits a Town that has adopted a local law pursuant to paragraph (a) of subsection 2 of §458-b of the NYS Real Property Tax Law to adopt a local law providing that the exemption authorized by such subsection shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation. Section 2 of Local Law 5 of 2011 adopted a qualifying residential real property exemption pursuant to subsection 2 (a) of § 458-b of the NYS Real Property Tax Law.

Section 2. Pursuant to subsection 2 (c)(iii) of § 458-b of the NYS Real Property Tax Law, Section 2 of Local Law No. 5 of 2011 is hereby amended so that the exemption authorized by Section 2 of Local Law No. 5 of 2011 shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten year limitation otherwise established by subsection 2 (c)(iii) of § 458-b of the NYS Real Property Tax Law.

Section 3. 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 affect, 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 4. This local law shall take effect immediately upon filing with the Secretary of

Exhibit 3

TOWN OF JERUSALEM  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 15<sup>th</sup> day of May, 2019, at 7:10 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 2019, entitled "A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations", which would amend Chapter 145 of the Code of the Town of Jerusalem to add new parking regulations that would prohibit overnight parking on Assembly Avenue and Central Avenue and establish a 10 minute time limit for parking on portions of Assembly Avenue and Central Avenue during the hours when parking is permitted on such streets.

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 at the office of the Jerusalem Town Clerk during regular business hours 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

Exhibit 4  
Town of Jerusalem  
Local Law No. C of the year 2019

A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations

Be it enacted by the Town Board

Town of Jerusalem

as follows:

SECTION 1. Section 145-10 of Article II of Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem is hereby amended with the insertion of new paragraphs C and D to read as follows:

C. No person shall park a vehicle on any part of Central Avenue (Yates County Route 25) between the hours of 11:00 p.m. and 7:30 a.m. of the immediately following day. This parking prohibition shall apply every day throughout the year.

D. No person shall park a vehicle on any part of Assembly Avenue (Yates County Route 25) between the hours of 11:00 p.m. and 7:30 a.m. of the immediately following day. This parking prohibition shall apply every day throughout the year.

SECTION 2. Article II of Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem is hereby amended with the insertion of a new Section 145-11 to read as follows:

§ 145-11 Time limit parking.

A. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the west side of Central Avenue (Yates County Route 25) from the south side of Chestnut Street to the north side of Assembly Avenue. This parking prohibition shall apply every day throughout the year.

B. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the east side of Central Avenue (Yates County Route 25) from the south side of Chestnut Street, as extended, to the north side of Assembly Avenue, as extended. This parking prohibition shall apply every day throughout the year.

C. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the north side of Assembly Avenue (Yates County Route 25) from the east side of Poplar Street to the west side of Central Avenue. This parking prohibition shall apply every day throughout the year.

SECTION 3. 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,

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paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 4. This local law shall take effect immediately upon filing with the Secretary of State.