

Minutes of the regular monthly meeting of the Jerusalem Town Board held on May 15, 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, John Christensen; *Chronicle Express* Reporter, Dixon Zorovich, Ann Kieffer.

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

RESOLUTION #89-19

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the April 17, 2019 meeting be approved as read.

RESOLUTION #90-19

AUDIT OF CLAIMS

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

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

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

General:	\$ 14,246.89
Outside Village	\$ 101.02
Highway DB:	\$ 25,792.00
Sewer:	\$ 79,846.58
Water:	\$119,291.33
Branchport Light	\$ 265.81
Water Capital:	\$ 1,241.00

April Utilities:

General:	\$ 4,555.26
Outside Village:	\$ 225.72
Sewer:	\$ 118.79
Water:	\$ 215.67
Trust:	\$19,956.07

Discussion: Councilor Jones questioned Supervisor Killen's mileage reimbursement request for banking when it is a duty of the Town Clerk. Councilor Stewart stated both the Supervisor and staff have been made aware of this by him personally. Councilor Stewart called the question.

RESOLUTION #91-19  
SUPERVISOR REPORT

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 Supervisor's Report on the Town's finances for the month of April 2019 be accepted as presented.

RESOLUTION #92-19  
PUBLIC HEARING - PROPOSED LOCAL LAW D OF 2019 - AMENDING LOCAL LAW 5-2011 COLD WAR VETERAN TAX EXEMPTION

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

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

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 amendment to Local Law 5-2011 Cold War Veteran Tax Exemption.

No one from the public wished to comment.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Weather permitting, shimming will be done on West Bluff Drive.
- No petition was filed on Resolution #60-19 to convey an interest in 4871/4873 Skyline Drive adopted subject to permissive referendum.
- Attorney Graff provided NYS Highway Law procedures to discontinue Charles Emerson Road based on the highway usage. Highway Superintendent Martin will work with the Town of Italy and report back in June.
- We are looking to purchase a screener. We are renting the one currently being used in our gravel pit.

RESOLUTION #93-19  
PUBLIC HEARING - PROPOSED LOCAL LAW C OF 2019 TO AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) TO ADD NEW PARKING REGULATIONS

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

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

Nays 0

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:10 P.M., asking for comments on the proposed amendment to Chapter 145 (Vehicles and Traffic) adding new parking regulations in Keuka Park.

No one from the public wished to comment.

TOWN ENGINEER

- Notes of the May 9, 2019 KPSW meeting on file in the Office of the Town Clerk.
- We received Penn Yan's 2019-2020 budgets which include a substantial increase in sewer costs to the Town.
- The BAN closing for the Water Capital Project is May 16, 2019.
- There was a costly sewer main leak on Central Avenue.

ASSESSOR

- Report on file.
- Grievance Day is May 28<sup>th</sup>, 4:00-8:00 P.M.

COUNCIL

Clean Up Day is June 15, 8:30-1:30. Details will be published in a block ad and posted on our website.

KENNEL REGULATIONS SUBCOMMITTEE

A meeting will be scheduled to review Attorney Graff's comments on the draft kennel regulations. Planning Board member Ron Rubin has expressed an interest in serving on the subcommittee.

RESOLUTION #94-19

Appoint Planning Board Secretary - Robin Johnson

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

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

Resolved that Robin Johnson be appointed as Planning Board Secretary at a rate of \$11.58 per hour.

RESOLUTION #95-19

Approval - St. Michael's Bike the Bluff, June 15

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

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

Resolved the Town has been notified St. Michael's Bike the Bluff fundraiser will be held Saturday, June 15<sup>th</sup> from approximately 8:00-12:00 noon.

RESOLUTION #96-19

Approval Keuka Comfort Care Home Run, September 14

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

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

Resolved the Town has been notified the Keuka Comfort Care Home 10K run will be held Saturday, September 14<sup>th</sup> from 8:30-10:30.

RESOLUTION #97-19

AUTHORIZE ASSOCIATION OF TOWNS 2019 HIGHWAY SCHOOL

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 Highway Superintendent and Deputy Superintendent be authorized to attend the Association of Towns 2019 Highway School on June 3-5, 2019 in Ithaca, NY at a cost of \$220.00, with the expense being funded by the 5010.4 account.

RESOLUTION #98-19

Finger Lakes Water Works Conference Spring Workshop

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

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

Whereas; Finger Lakes Water Works Conference is hosting the Spring Workshop at King's Catering located at 4031 Routes 5 & 20, Canandaigua, NY on June 6<sup>th</sup>, 2019;

Whereas; the cost for a pre-paid, pre-registered 2019 Conference Member is \$25.00/person;

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

RESOLUTION #99-19

Approve United Methodist Church Walk/Run, July 4

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

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

Resolved the Town has been notified the Branchport United Methodist Church will host a Red, White and Blue 5K run/walk event starting at 8:00 a.m. on Thursday, July 4<sup>th</sup>.

RESOLUTION #100-19

CLOSE PUBLIC HEARING - LOCAL LAW D-2019 AMENDING LOCAL LAW 5-2011  
COLD WAR VETERANS REAL PROPERTY TAX EXEMPTION

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

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

With all persons desiring to be heard, Supervisor Killen closed the hearing at 7:31 P.M.

RESOLUTION #101-19

ADOPT LOCAL LAW NO. 3-2019 AMENDING LOCAL LAW 5-2011 COLD WAR  
VETERANS REAL PROPERTY TAX EXEMPTION

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

ADOPTED BY ROLL CALL VOTE:  
      Councilor Anderson: Aye  
      Supervisor Killen: Aye  
      Councilor Stewart: Aye  
      Councilor Jones: Aye  
      Councilor Sisson: 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 May 15, 2019, at 7:05 p.m. at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law 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"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on April 24, 2019 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on May 15, 2019, 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, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 3 of 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"", 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.

RESOLUTION #102-19

CLOSE PUBLIC HEARING - LOCAL LAW C-2019 TO AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) 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

With all persons desiring to be heard, Supervisor Killen closed the hearing at 7:33 P.M.

PUBLIC COMMENT

County Legislator Cutler reported:

- The County is encouraging DEC to address concerns in the Arrowhead Beach area with the outlet water and its impact on Seneca Lake.
- A USDA grant application will be submitted for internet access in the unserved and under-served areas of the County.
- The 9th Annual Land Use Leadership Alliance (LULA) Training was held on April 29<sup>th</sup> at the Yates County Auditorium.
- A Water Quality Summit will be scheduled.
- The Ag Protection Plan is being updated.

RESOLUTION #103-19

ADOPT LOCAL LAW 4-2019 TO AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) TO ADD NEW PARKING REGULATIONS"

On a motion of Supervisor Killen, seconded by Councilor Anderson,

the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Sisson: Aye  
Councilor Stewart: Aye  
Councilor Jones: Aye  
Councilor Anderson: Aye  
Supervisor Killen: 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 May 15, 2019, at 7:10 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 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on April 24, 2019 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on May 15, 2019, at 7:10 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, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 4 of 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", 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.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Stewart, the meeting was adjourned at 7:42 P.M.

---

Sheila McMichael, Town Clerk

Local Law 3-2019

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"

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



Local Law No. 4-2019

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

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, except Sundays, 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, except Sundays, 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, except Sundays, 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, 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.