

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 19, 2022 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Tim Cutler, Doug Paddock

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

**RESOLUTION #19-22**

APPROVAL OF DECEMBER 15, 2021 MINUTES

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

Resolved the December 15, 2021 Minutes be approved with an amendment to include the Board members' names:

- Resolution #186-22  
  On a motion of Councilor Castner, seconded by Councilor Stewart
- Resolution #187-22  
  On a motion of Councilor Jones, seconded by Councilor Lent
- Resolution #188-22  
  On a motion of Councilor Stewart, seconded by Councilor Jones

**RESOLUTION #20-22**

APPROVAL OF JANUARY 5, 2022 MINUTES

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

ADOPTED       Ayes       4   Jones, Lent, Sisson, Purdy  
                  Abstain 1   Castner  
                  Nays        0

Resolved the January 5, 2022 Organization Meeting minutes be approved with a correction to Resolution #14-22 Legal Holidays:

- |  |                     |            |
|--|---------------------|------------|
| 1. New Year's Day                          | <del>01/01/22</del> | 12/31/2021 |
| 2. Martin Luther King Day                  | <del>01/18/22</del> | 01/17/2022 |
| 3. Memorial Day                            | <del>05/24/22</del> | 05/30/2022 |
| 4. Independence Day                        | <del>07/05/22</del> | 07/04/2022 |
| 5. Labor Day                               | <del>09/06/22</del> | 09/05/2022 |
| 6. Columbus Day                            | <del>10/11/22</del> | 10/10/2022 |
| 7. Veterans Day                            | 11/11/22            |            |
| 8. Thanksgiving                            | <del>11/25/22</del> | 11/24/2022 |
| 9. Friday following Thanksgiving           | <del>11/26/22</del> | 11/25/2022 |
| 10. Christmas                              | <del>12/24/22</del> | 12/26/2022 |
| 11. Floater (at the employee's discretion) |                     |            |

RESOLUTION #21-22

AUDIT OF CLAIMS

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

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

General:	\$6,277.02
Outside Village	\$1,078.08
Highway DB:	\$ 197.90
Sewer:	\$ 780.87
Water:	\$7,360.07

December Utilities:

General:	\$3,729.27
Sewer:	\$ 183.33
Water:	\$ 162.04

RESOLUTION #22-22

SUPERVISOR REPORT

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

Resolved that the Supervisor's Report on the Town's finances for the month of December 2021 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Trimming trees and cutting brush continues as weather-permits.
- The Highway was busy plowing during Sunday's snow storm.

WATER/SEWER REPORT

- Councilor Lent attended his first Water/Sewer Committee meeting.
- There was a water main break in Keuka Park on New Year's Day.

ASSESSOR

- Report on file. Council noted it was a very thorough report.

COUNCIL

- The Zoning Board requested alternates receive training credit for attending meetings, but according to Attorney Graff this does not qualify for their mandated continuing education credit.
- Councilor Purdy has been spending a fair amount of time getting up to speed on Town matters.

SUPERVISOR

A moment of silence was taken in honor of long-time fireman Gordon Snyder who recently passed.

PROCLAMATION - JERUSALEM SCHOOL CHOICE WEEK

WHEREAS all children in JERUSALEM should have access to the highest-quality education possible; and,

WHEREAS JERUSALEM recognizes the important role that an effective education plays in preparing all students in JERUSALEM to be successful adults; and,

WHEREAS quality education is critically important to the economic vitality of JERUSALEM; and,

WHEREAS JERUSALEM is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and,

WHEREAS JERUSALEM has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and,

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options;

NOW, THEREFORE, I, Jamie Sisson do hereby recognize January 23 - 29, 2022 as JERUSALEM School Choice Week, and I call this observance to the attention of all of our citizens.

RESOLUTION #23-22

AUTHORIZE SCHEDULING OF PUBLIC HEARING

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

ADOPTED	Ayes	5	Castner, Jones, Lent, Sisson, Purdy
	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 152 (Water) of the Code of the Town of Jerusalem"; 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,

WHEREAS, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (26) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves continuing agency administration and management in that it will amend the existing Town Water Law regarding penalties for violations of this 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 February 16, 2022, 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 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 #24-22  
HIRE PART TIME SEASONAL LABOR  
SEASONAL PART TIME LABORER

Councilor Jones moved the following. The motion did not receive a second.

Whereas, The Keuka Park Sewer & Water Department would like to hire a seasonal laborer to assist the department with the following;

- Provide services to customers for both sewer and water.
- Assist with fire hydrant flushing and main valve exercising
- Fire hydrant painting
- Weed maintenance around fire hydrants
- Lawn and hedge trimming maintenance
- Building and lift station custodial and painting
- Assist with water meter and grinder pump removal and installation
- Assistance to operators while Keuka Park Water Rehab Project (part 2) is under construction.
- Aid with sewer lift station pump maintenance

January 13, 2022 - Sheryl Robbins stated "Though, you may have the minimum water operators required by NYS Sanitary Code; the department has miles of additional water services since the inception; without increasing the operators, plus the waste water duties of the same two people". This statement from Sheryl Robbins, NYSDOH PE, will be entered on our inspection report when completed.

Amount requested and approved = \$7,500.00

Whereas, the Town of Jerusalem Keuka Park Sewer & Water Department has included \$7,500.00 in the Town Board approved 2022 budget.

Therefore, be it resolved to authorize the Keuka Park Sewer & Water Department to hire a seasonal part time labor to assist the department.

RESOLUTION #25-22  
SOLE SOURCE DETERMINATION - BIOXIDE PUMP SYSTEM & TANK

On a motion of Councilor Lent, seconded by Councilor Castner, the following was

ADOPTED	Ayes	5	Castner, Jones, Lent, Sisson, Purdy
	Nays	0	

Whereas, the Town of Jerusalem Procurement Policy and New York State Finance Law section 163 Purchasing services and commodities all Sole Source procurement when properly justified; and

Whereas, the Town of Jerusalem has previously purchased bioxide and bioxide pump systems and tanks for Keuka Park Sewer District #1 and #2.; and

Further, the Keuka Park Sewer Districts #1 and #2 have the Evoqua bioxide systems and tanks for odor control in the district.

Whereas, the Town of Jerusalem Keuka Park Sewer Department requires the bioxide inject direct to the sewer pressure lines for odor control and main maintenance.

Therefore, be it resolved that Evoqua Water Technologies be the sole source for the bioxide system and tanks for the sewer districts.

RESOLUTION #26-22

HOURLY RATE FOR CODE ENFORCEMENT OFFICER

On a motion of Councilor Castner, seconded by Councilor Purdy, the following was

ADOPTED	Ayes	5	Castner, Jones, Lent, Sisson, Purdy
	Nays	0	

Whereas William Gerhardt was provisionally appointed as Code Enforcement/Zoning Officer until completion of the required certification via Resolution #108-21; and

Whereas CEO Gerhardt satisfactorily completed said requirement on January 19, 2022; now therefore, be it

Resolved the CEO salary be increased to \$26.17/hour effective Monday, January 24, 2022.

RESOLUTION #27-22

EMPLOYEE HANDBOOK AMENDMENT - COMPENSATORY TIME

On a motion of Councilor Purdy, seconded by Councilor Castner, the following was

ADOPTED	Ayes	4	Castner, Lent, Sisson, Purdy
	Nays	1	Jones

Whereas full-time employees receive ten vacation days following completion of two years of employment; and

Whereas full-time non-exempt employees have the option of receiving "compensatory time" in lieu of paid overtime with pre-authorization from the Department Head; and

Whereas the need to address issues with scheduling time-off has been identified; now, therefore, be it

Resolved Employee Handbook Section 702 Compensatory Time be amended to limit accumulating compensatory time for full-time non-exempt employees to their first two years of employment; and, be it further

Resolved pre-authorization from the Department Head be required.

RESOLUTION #28-22

EMPLOYEE HANDBOOK AMENDMENT - WORK WEEK SCHEDULE

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

Resolved the Employee Handbook 504 Time Records Procedures workweek for payroll purposes be amended to begin at 12:01 a.m. on Saturday and ends at 12:00 a.m. on the following Friday.

RESOLUTION #29-22

2021 YEAR END BUDGET MODIFICATIONS

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

Resolved the 2021 Year End Budget modifications be approved as follows:

General A fund

From: 1990.4-Contingent \$ 13,810.00  
To:       1010.1 Town Board PS       \$       .50  
          1340.4- Budget               \$4,042.00  
          1410.4 Town Clerk         \$       .50  
          1440.4 Engineer           \$6,455.00  
          1620.4 Building           \$2,505.00  
          5010.1 Highway Super. PS \$ 796.00  
          8989.4- Other Home       \$ 11.00

General B fund

From: 8020.4 -Planning           \$ 5,874.00  
To:       1340.4 Budget               \$1,000.00  
          4020.1 Registrar PS       \$ 1.00  
          7140.4 Playgrounds/  
                  Recreation         \$ 500.00  
          9010.8 Retirement        \$ 4,373.00

Highway DB fund

From: 5110.4- General Repairs   \$ 1,155.00

To: 5140.4 Brush \$ 1,155.00

Water fund

From: 1990.4- Contingent \$ 400.00  
To: 8310.1 Administrative PS \$ 400.00

Sewer fund

From: 1990.4 -Contingent \$ 1,471.00  
To: 8120.1 Sanitary Sewer \$ 1,415.00  
8110.1 Administration PS \$ 56.00

RESOLUTION #30-22

2021 BUDGET AMENDMENT - CHIPS

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Purdy  
Nays 0

Whereas, Highway Superintendent Hurd completed and filed paperwork to the NYS Department of Transportation as part of the Consolidated Highway Improvement Program, Extreme Winter, and Pave NY dated 10/13/21, 12/7/21 and 1/7/22, and

Whereas, the total request for reimbursement is \$449,462.24; and

Whereas, the Highway DB 2021 adopted budget designated \$256,495.00; and

Whereas, paperwork submitted for reimbursement will result in an increase of \$192,967.24;

NOW THEREFORE BE IT RESOLVED that the 2021 Highway DB budget be amended as follows

Increase 3501 (State Aid/CHIPS) \$192,967.24  
Increase 5112.4 (Permanent Improvement CE) \$192,967.24

RESOLUTION #31-22

FEMA CONSULTANT AGREEMENT

On a motion of Councilor Purdy, seconded by Councilor Lent, the following was

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Purdy  
Nays 0

Whereas the Highway Department desires assistance to coordinate our ongoing disaster recovery activities associated from the Remnants of Tropical Storm Fred; now, therefore, be it



Resolved the Supervisor be authorized to execute the Disaster Recovery Consulting Agreement with Meridian Strategic Services, Inc. to assist in the administration of funding granted through the Federal Emergency Management Agency's (FEMA) Public Assistance Grant Program and its All-Hazards Mitigation Program.

RESOLUTION #32-22

AMEND PROCUREMENT POLICY

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

ADOPTED       Ayes       5   Castner, Jones, Lent, Sisson, Purdy  
                  Nays        0

Resolved the Procurement Policy be amended to establish the bid threshold for Public Works items at \$35,000 in accordance with General Municipal Law, Article 5-A Section 103.

PLANNING/ZONING BOARD TRAINING

A lengthy discussion ensued regarding Town Code Chapter 49 Training Requirements for Planning and Zoning Board members. Supervisor Sisson will send another email to the Board chairs to remind members of their mandated training requirement (4 hours annually).

PUBLIC COMMENT

Legislator Doug Paddock presented the County report:

- Leslie Church was appointed Legislative Chair.
- Public safety communications project update.
- Seeking a land owner to serve on the Fish and Wildlife Board. Anyone interested can contact Legislator Dan Banach for more information.
- Court Security Officer approved.
- Outgoing Legislators were commended for their years of service.
- Grant application submitted for the broadband project.
- Planning for satellite Public Health Safety Building facility.

With there being no further business, on a motion of Councilor Lent, seconded by Councilor Purdy the meeting was adjourned at 7:43 P.M.

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Sheila McMichael, Town Clerk

Exhibit 1  
Local Law No. A of the year 2022

A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Purpose - The New York State Department of Health conducted their Water System Field Compliance Review and identified the need for the Town of Jerusalem to amend Chapter 152 (Water) to further define the responsibility of water users in violation of the New York Sanitary Code.

Section 2. Section 152-23 (Penalties for offenses) of Chapter 152 (Water) of the Code of the Town of Jerusalem is hereby repealed and a new Section 152-23 is inserted in its place to read as follows:

Section 152-23 Penalties for Offenses

A. The Town may discontinue water service to any premises if, in the sole determination of the head of the Town Water Department, any violation of this Chapter exists. Water service will not be restored until said violation(s) are corrected to the sole satisfaction of the Town Water Superintendent.

B. A violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not exceeding \$250.

C. The Town reserves the right to enforce this article by a court injunction.

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 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 16<sup>th</sup> day of February, 2022, at 7:00 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 2022, entitled "A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem ", which would amend the regulations addressing penalties for violations of this law.

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