

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 17, 2022 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Patrick Killen

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

CHANGES TO THE AGENDA

Additions to the agenda:

1. Keuka Park Water Rehab Phase 2 Project Blue Heron Cost Increase
2. Assessor Training Request
3. Tree Tops Cidery
4. Executive Session - The employment history of a particular person
5. Executive Session - pending litigation Angelo Licciardello

RESOLUTION #101-22

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 20, 2022 meeting be approved as read.

RESOLUTION #102-22

AUDIT OF CLAIMS

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

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

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

General:	\$ 11,467.98
Outside Village	\$ 1,679.96
Highway DB:	\$366,363.02
Sewer:	\$ 46,488.61
Water:	\$ 8,759.88
Branchport Light	\$ 399.37
Capital:	\$ 73,763.77

July Utilities:

General:	\$ 3,149.30
Outside Village:	\$ 31.22

Branchport Light:	\$	387.89
Sewer:	\$	404.66
Water:	\$	959.19
Trust:		\$23,459.71

RESOLUTION #103-22

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of July 2022 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Town Clerk Office.
- The East Bluff Drive road failure site visit is scheduled with FEMA and Jersey Recovery Associates on August 31st.
- Oil and stoning will be done next week, weather permitting.
- "No Truck Route" signs have been posted on Italy Friend Road to address GPS routing tractor trailers over our road.

WATER/SEWER REPORT

Councilor Lent emailed his summary report including:

- Keuka Park Water Rehab Phase 2 project contractor Blue Heron cost increase which was added to tonight's agenda.
- Keystone Custom Deck's petition to construct proposed Sewer #1B extension is progressing.
- Lyon-Smith Brewery continues monthly sewer testing.
- Sewer grinder pump report: 11 repaired/new on hand, replaced 14 in July. It was determined that the useful life is about half after the pumps are rebuilt, i.e., 8-10 years instead of 16-20 years. Rebuilding a second time only gives us 3-4 years, so it is not cost effective and will require purchasing more new pumps in the future.
- Zero hydrant flushing or mowing since July 12th committee meeting.
- Concerns continue related to the West Lake Road failure as our 12" water main is a few inches below the surface. We need a plan from the County as to what is going to be done.

ASSESSOR

- Report on file.

SUPERVISOR

2023 Budget worksheets have been submitted by the departments.

RESOLUTION #104-22

SET PUBLIC HEARING - SEWER EXT. #1B - KEYSTONE CUSTOM DECK

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

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

WHEREAS, a written petition dated June 8, 2022, has been submitted in due form by Petitioner ("Petitioner"), containing the required signatures, which has been presented and filed with the Town Clerk of the Town of Jerusalem, Yates County, New York, for the creation of Keuka Park Sewer District Extension #1B ("District"), the boundaries of which are described in Exhibit 1, attached hereto and made a part hereof, and

WHEREAS, Grove Engineering has prepared a map, plan and report, which the Town Board of the Town of Jerusalem, New York has determined was prepared in such manner and detail as the Town Board has required relating to the creation of the District; and

WHEREAS, such map, plan and report has been duly filed in the office of the Town Clerk of the Town of Jerusalem, New York, and is available for public inspection thereat; and

WHEREAS, the improvements proposed consist of the construction and maintenance of sanitary sewer mains with associated appurtenances to serve said District, in accordance with the aforementioned map, plan and report now on file in the office of the Town Clerk of said Town; and

WHEREAS, the Petitioners are not requesting the Town to construct any improvements for the District.

WHEREAS, the Town will not bear any of the expenses of constructing the improvements within this District as the owner or developer is paying 100% of these expenses; and

WHEREAS, the estimated costs of the district to the typical property or one-family or two-family home is \$0 for debt service and \$648 for sewer rents. The cost of constructing any future improvements shall be assessed, levied and collected from the several lots and parcels of land within said District in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom.

Additionally, the initial estimated hook-up fee is \$350.00 per lot

which will be paid by the property owner. Any hook-up fees to be charged shall be determined on an annual basis by the Town Board. Additionally, the owner will be required to pay for installation of the sewer service from the right-of-way to the structure using the sewer service. These items are to be purchased by the affected property owner from a private contractor. The homeowner is responsible for all inside plumbing.

NOW, THEREFORE, be it ORDERED, that a public hearing of the Town Board of the Town of Jerusalem will be held on September 21, 2022, at 7:00 p.m. at the Town Hall, 3816 Italy Hill Road, Branchport, New York, to consider the petition to establish the District, to consider creation of said District, including the environmental significance thereof, and to hear all persons interested in the subject thereof, concerning the same, and for such other and further action on the part of said Town Board, with relation to the premises; and

BE IT FURTHER ORDERED, that this Order Calling for a Public Hearing shall be published and posted as required by law.

RESOLUTION #105-22

AUTHORIZE LONG LAW FIRM ENGAGEMENT AGREEMENT

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

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

Resolved the Supervisor be authorized to execute the Engagement Letter with The Long Law Firm for legal representation related to certain claims that may be brought against the County of Yates.

RESOLUTION #106-22

HIGHWAY DB 2022 BUDGET MODIFICATION - DOLOMITE STONE EXPENSES

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

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

Whereas, Highway Superintendent Hurd desires to include purchases of #1 ST stone under the CHIPS reimbursement program; and

Whereas, payments have been made to Dolomite in the amount of \$35,222.21 between April and July of 2022; and

Whereas, these invoices were assigned to the 5110.4 (General Repair) code; and

Whereas, in order to classify under CHIPS funding, these costs need to be allocated to the 5112.4 (CHIPS) code; now, therefore, be it

Resolved that the Highway DB 2022 budget be modified to shift \$35,222.00 of expenses out of the 5110.4 (General Repair) and into the 5112.4 (CHIPS).

RESOLUTION #107-22

BUDGET AMENDMENT - MACK DUMP TRUCK PURCHASE

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

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

Whereas due to the delayed delivery schedule, Resolution #53-21 authorized the Highway Superintendent to order a 2023 Class 8 Dump Truck on the Onondaga County Statewide Contract #8996 in an amount not-to-exceed \$255,171.10; and

Whereas, \$150,000 was budgeted in the 5130.2 account code for 2022 toward the purchase; now therefore, be it

RESOLVED that the Highway DB budget be amended to reflect the balance of funds to be transferred out of the Highway Capital Reserve for purchase as follows

Increase DB 5130.2 (Machinery)	\$105,171
Increase DB (Use of Fund Balance)	\$105,171

RESOLUTION #108-22

ZONING BOARD APPOINTMENT - RANDY RHOADS

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

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

Resolved Randy Rhoads be appointed to the Zoning Board to fill the unexpired term of Jim Bird through December 31, 2023.

RESOLUTION #109-22

ZONING BOARD ALTERNATE - DONALD WRIGHT

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

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

Resolved Donald Wright be appointed as an alternate to the Zoning Board to fill the unexpired term of Randy Rhoads through December 31, 2023.

RESOLUTION #110-22

ZONING BOARD ALTERNATE - DAVID ENGLISH

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

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

Resolved David English be appointed to the vacant position as an alternate to the Zoning Board through December 31, 2022.

RESOLUTION #111-22

NAME OFFICIAL NEWSPAPER - THE DUNDEE OBSERVER

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

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

Whereas the Chronicle Express will be ceasing publications as of September 2022; now, therefore be it

RESOLVED that The Dundee Observer be designated as the official newspaper for the Town of Jerusalem at that time.

RESOLUTION #112-22

ESTABLISH EMPLOYEE WORK SCHEDULES

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

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

Whereas, normal hours of operation are approved by the Town Board per Section 501 of the employee handbook; and

Whereas, normal hours should be established yearly during the Organizational meeting and were not established for 2022; now, therefore be it

RESOLVED that the following hours be established from this day forth:

Assessor	7:30-3:30
CEO	7:30-3:30
Water/Sewer Clerk	7:30-3:30
W/S Maintainer	7:00-3:00
Bookkeeper	8:00-3:00
Deputy Clerk	8:00-3:00

*Highway Department hours stated in Employee Handbook

RESOLUTION #113-22

AUTHORIZE BLUE HERON COST INCREASE - KEUKA PARK WATER REHAB PHASE 2 CAPITAL PROJECT

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

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

Whereas Blue Heron Construction Co., LLC is requesting a cost increase for the Keuka Park Water Rehab Phase 2 project as they encountered shale/rock conditions during the watermain installation; and

Whereas Larson Design Group reviewed and negotiated Blue Heron's submitted request for additional payment; now, therefore, be it

Resolved the cost increase be approved in the amount of \$32,203.32 to be paid from the project contingency.

RESOLUTION #114-22

AUTHORIZE ASSESSOR TRAINING REQUEST

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

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

Resolved the Assessor be authorized to participate in the Fundamentals of Real Property Appraisal training webinar on October 3rd through 6th 2022. Proctored test October 7, 2022 at a cost of \$675.00 to be funded from 1355.4.

RESOLUTION #115-22

TREETOPS CIDERY - SPECIAL USE APPLICATION #05-2022

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

ADOPTED Ayes 4 Jones, Lent, Purdy, Sisson
 Nays 0
 Abstain 1 Bird as he served on the Zoning Board

Whereas the Zoning Board denied Special Use Application #05-2022 for Treetops Cidery, 8842 East Bluff Drive; and

Whereas the attorney for Treetops Cidery inquired if the Town would be amenable to enter into a tolling agreement to suspend the August 19, 2022 statute of limitations to discuss resolution on the issues associated with their application; now, therefore, be it

Resolved the Town Board supports the Zoning Board decision and does not accept the tolling agreement as proposed.

COUNTY REPORT

Legislator Killen presented the County report:

- Leah Bush was awarded the Distinguished Youth Award.
- Killen will email the funding details on the monies appropriated for the County Bicentennial celebration.
- The broadband and communications projects are proceeding.
- A local law amending Real Property Tax veteran exemptions was adopted.
- A letter of support was submitted for Keuka Housing Council's CDBG grant application.
- August 16th was Election Inspector Recognition Day. A special election is August 23rd. The County is requesting exemption from early voting mandates as they have become a financial drain on small counties.
- The Deputy Director of Public Health vacant position will be filled.
- August 7th Purple Heart Day was recognized.
- The DA report stated there was a mistrial as they were unable to seat 12 jurors. 180 were solicited, 123 appeared and only 8 seated.
- Supervisor Sisson was referred to Legislative Chair Church or Administrator Flynn for the status of the West Lake Road slope failure. The Town needs to ensure a timely repair to protect our utilities.

RESOLUTION #116-22

EXECUTIVE SESSION - THE EMPLOYMENT HISTORY OF A PARTICULAR PERSON

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

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

Resolved that this meeting be interrupted to enter into Executive Session at 7:35 P.M. to discuss the employment history of particular person with the Town Clerk in attendance.

RESOLUTION #117-22

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:03 P.M.

RESOLUTION #118-22

EXECUTIVE SESSION - PENDING LITIGATION ANGELO LICCIARDELLO

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

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

Resolved that this meeting be interrupted to enter into Executive Session at 8:04 P.M. to discuss pending litigation with Angelo Licciardello.

RESOLUTION #119-22

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:18 P.M.

RESOLUTION #120-22

SETTLEMENT AGREEMENT 8242 EAST BLUFF DRIVE - LICCIARDELLO

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

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

Resolved the Supervisor be authorized to execute the Settlement Agreement outlining the terms that Petitioners Angelo Licciardello and Deborah Licciardello (both individually and as trustee) will discontinue the action against the Town with prejudice in return for the Planning Board agreeing to review an application to modify the March 2, 2017 Site Plan for their property at 8242 East Bluff Drive.

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

Sheila McMichael, Town Clerk

Exhibit 1

ALL THAT TRACT OR PARCEL OF LAND situate in Lot 49, Township 7, Range I of the Phelps and Gorham Purchase, in the Town of Jerusalem, County of Yates and State of New York, bounded and described as follows Beginning at an iron pin set in the southeasterly line of New York State Route 54A which is North 47° 48' 23" East 32.21 feet to a highway monument and North 45° 20' 13" East, 217.79 feet as measured along the southeasterly line of New York State Route 54A from the westernmost southwesterly corner of lands conveyed by Warren J. Frost to Amos S. Hammond and Laura M. Hammond by deed dated August 12, 1975 and recorded in the Yates County Clerk's Office in Liber 266 of Deeds at page 435 and running thence North 45° 20' 13" East along the southeasterly line of New York State Route 54A, 287.37 feet to an iron pin; thence along lands retained by Hammond, South 41° 59' 38" East, 227.62 feet to an iron pin, South 56° 57' 14" East, 314.70 feet to an iron pin and North 48° 00' 22" East, 277.07 feet to an iron pin in the westerly boundary of lands now or formerly of Nicolo as conveyed by deed recorded in the Yates County Clerk's Office in Liber 238 of Deeds at page 99; thence South 00° 12' 03" East along lands conveyed to Nicolo as aforesaid, 320.07 feet to an iron pin which marks the northwesterly corner of lands conveyed by Amos S. Hammond and Laura M. Hammond to Donald A. Schneider by deed dated October 28, 1981 and recorded in the Y County Clerk's Office in Liber 306 of Deeds at page 81; thence South 39° 03' 28" West along lands conveyed to Schneider as aforesaid, 223.03 feet to an iron pin; thence North 56° 58' 10" West along lands retained by Hammond, 819.42 feet to the point of beginning.

Comprising an area of 5.027 acres as shown as Parcel No. 3 on a survey map entitled "Plan of Land to be Conveyed by Amos S. & Laura M. Hammond" prepared by Richard L. Willson on September 16, 1981 which map is filed in the Yates County Clerk's Office in Liber 10A of Maps at page 356.

Intending to describe the same premises conveyed to KEYSTONE CUSTOM DECKS, LLC by Correction Warranty Deed dated February 21, 2022 and recorded February 24, 2022 in the Yates County Clerk's Office as Instrument No. 2022-7872.

Tax Map No.: 72.04-1-28*
Address: 2869 Rte 54A, Bluff Point, NY 14478*