

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 15, 2023 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Marcia English, David English, Tim Cutler, Patrick Lewis

Excused: Councilor Jones

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

CHANGES TO THE AGENDA

The following items were added to the agenda:

1. Resolution - Finger Lakes Water Works Meeting Registration
2. Resolution - Shared Services Agreement with NYSDOT
3. Resolution - Authorize AOT Finance School

RESOLUTION #39-23

APPROVAL OF MINUTES

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

ADOPTED	Ayes	3	Bird, Lent, Sisson
	Nays	0	
	Abstain	1	Purdy

Resolved that the minutes of the February 15, 2023 meeting be approved as read.

RESOLUTION #40-23

AUDIT OF CLAIMS

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

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

General:	\$14,878.87
Outside Village	\$ 784.74
Highway DB:	\$45,254.35
Sewer:	\$52,564.90
Water:	\$49,634.67
Branchport Light	\$ 503.50
Escrow:	\$14,663.00

February Utilities:

General:	\$ 6,760.66
Outside Village:	\$ 31.22
Branchport Light:	\$ 865.72

Sewer:	\$	572.00
Water:	\$	277.87
Trust:		\$24,773.09

RESOLUTION #41-23
SUPERVISOR REPORT

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of February 2023 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW A-2023 - TAX CAP OVERRIDE

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:02 P.M., asking for comments on proposed Local Law A-2023 to override the tax levy limit established in General Municipal Law §3-c.

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.
- The Highway is helping the State Park with a pipe installation.
- A 60' pipe has been requested from the County that is needed to repair the Town Office parking lot.

WATER/SEWER REPORT

Councilor Lent submitted a summary of the March 14, 2023 Water/Sewer Committee meeting.

ASSESSOR

Councilor Bird submitted a summary of the March 2, 2023 Assessor Committee meeting.

COUNCIL

Councilor Purdy stated there are a number of reasons to move slow as we consider enacting short term rental legislation based on reactions to the Village's recently enacted law. The April 24th LULA training agenda is Land Use Implications of Short-Term Rentals.

SUPERVISOR

- Supervisor Sisson continues to provide weekend Water/Sewer coverage.

- Planning Board member Ron Rubin submitted his resignation as he is relocating to the Village. Council thanked Mr. Rubin for his commitment and years of service to the Town.
- A protest to the Governor's Housing Plan is planned for March 20th at the NYS Capitol Building. The proposal would allow state government to override local zoning laws to build 800,000 homes statewide as an attempt to combat New York's "housing crisis".

CRISPIN HILL SEWER CHARGES

A meeting was held with Crispin Hill's attorney to resolve their dispute on the Board's projection of use to calculate their sewer equivalent dwelling units. This will be on the April agenda when one full year of actual usage is available in accordance with Chapter 131 Sewers Article VII Rental Rates; Collection.

RESOLUTION #42-23

AUTHORIZE SALE OF STONE

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Resolved the Highway Superintendent be authorized to sell #1's and #2's round stone from screened sand and gravel to Yates County municipalities at a cost \$14.00/ton with proceeds to the Equipment Reserve.

RESOLUTION #43-23

2024 REVAL BASED ON 2021 NYS CYCLICAL REASSESSMENT PLAN

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Whereas the New York State Plan for Cyclical Reassessments for 2021-2024 was executed in 2020; and

Whereas our equalization rate is 85%; now, therefore, be it

Resolved the Town Board commit to a conducting a revaluation in assessment roll year 2024.

RESOLUTION #44-23

2024 REVAL SUPPORT FOR ASSESSOR

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Whereas Assessor Kwiecinski has requested assistance for the town wide revaluation process; now, therefore, be it

Resolved that the services of Sylvia Staples and RaeAnn Engler be authorized in an amount not-to-exceed \$6,500.00 payable at a rate of \$65.00 per hour for RPSV4 Valuation Technical Support to be funded by 1355.4.

RESOLUTION #45-23

NYMIR INSURANCE POLICY RENEWAL

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Resolved the 2023-2024 NYMIR insurance policy be renewed with Sprague Insurance at a cost of \$59,482.53.

RESOLUTION #46-23

AUTHORIZE CEO TRAINING - G/FLRPC ENERGY CODE ENFORCEMENT

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Resolved Code Enforcement Officer Gerhardt be authorized to attend the Genesee Finger Lakes Regional Planning Council Energy Code Enforcement training on March 22, 2023 in Albion, NY to be funded by account 8010.4.

RESOLUTION #47-23

APPOINT WATER SYSTEM OPERATOR/WASTEWATER MAINTAINERS

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Whereas the Town currently has two vacant Water System Operator/Wastewater Maintainer positions; and

Whereas, the Yates County Personnel Department provided two eligible candidates for said position for consideration; and

Whereas the Sewer & Water Committee interviewed both applicants; and after due deliberation, agreed that the needs and demands of our operation warrants filling both positions; now, therefore be it

Resolved:

1. The provisional appointment of Joseph Matthews and Patrick

Lewis be made upon passing the necessary physical exam for town employment.

2. The starting pay rate per hour be \$23.00.
3. Joe Matthews start date is March 16, 2023.
4. Patrick Lewis start date is April 3, 2023.

And; be it further

Resolved permanent appointment is contingent upon possessing the qualifications prescribed by Subpart 5-4 of the State Sanitary Code for Water System Operators.

Supervisor Sisson introduced Patrick Lewis who was in attendance at tonight's meeting.

RESOLUTION #48-23

INTERMUNICIPAL ASSISTANCE AGREEMENT WITH MILO & KPSW

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Resolved the Supervisor be authorized to execute the Intermunicipal Agreement Between the Town of Milo and Town of Jerusalem to provide and accept services for operating in emergency situations the Jerusalem water operation and sewage system when Jerusalem personnel are not available for a term of five (5) years.

RESOLUTION #49-23

CONSENT TO AMENDMENT OF THE BRANCHPORT FIRE DEPARTMENT, INC.

CERTIFICATE OF INCORPORATION

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Resolved the Town Board of the Town of Jerusalem hereby consents to an amendment of the Certificate of Incorporation of Branchport Fire Department, Inc. changing its name to Branchport Keuka Park Fire Department, Inc. and its address to 3686 State Rt. 54A, Branchport, NY 14418, and do hereby approve the foregoing amendment of the Certificate of Incorporation and consent that the same be filed with the New York State Department of State.

RESOLUTION #50-23

AUTHORIZE CAPITOL PROTEST ATTENDANCE

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Resolved interested Town Council be authorized to attend the March 20th protest at the NYS Capitol Building opposing Governor Hochul's proposed housing plan that will allow state government to override the authority of local zoning laws.

RESOLUTION #51-23

SHARED SERVICES AGREEMENT WITH NYSDOT

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Resolved the Highway Superintendent be authorized to execute the Shared Services Agreement between NYSDOT and Town of Jerusalem pursuant to Section 99-r of the General Municipal Law for a four-year term April 1, 2023 to March 31, 2027.

RESOLUTION #52-23

AUTHORIZE AOT FINANCE SCHOOL

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

Resolved up to four (4) attendees be authorized to attend the Association of Town Finance Schools on May 8-9, 2023 in Geneva at a cost of \$200/participant.

RESOLUTION #53-23

PUBLIC HEARING - PROPOSED LOCAL LAW A-2023 - OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

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

ADOPTED Ayes 4 Bird, Lent, Purdy, Sisson
 Nays 0

With all persons desiring to be heard, Supervisor Sisson closed the hearing at 7:34 P.M.

The regular meeting was reconvened.

RESOLUTION #54-23

AUTHORIZE ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 1 OF 2023

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

ADOPTED BY ROLL CALL VOTE
Councilor Lent

Aye

Supervisor Sisson	Aye
Councilor Bird	Aye
Councilor Purdy	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 March 15, 2023, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on March 8, 2023, and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 15, 2023, at 7:00 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. 1 of 2023, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", 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.

Local Law No. 1 of the year 2023

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

Be it enacted by the Town Board
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 2024 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 2024 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.

YATES COUNTY REPORT

- Legislator Cutler presented the monthly County report.
- Councilor Lent inquired about sharing bed tax and sales tax with the towns. Legislator Cutler replied their use of monies are countywide. Bed tax is earmarked for tourism and sales tax monies were recently donated to the Yates Community Center.

TREETOPS CIDERY

Councilors Bird and Purdy will conduct a conference call with Attorney Spitzer for an update on the Treetops Cidery Article 78.

PUBLIC COMMENT

Marcia English suggested the Town establish a seasonal rate for qualifying water and sewer customers. Supervisor Sisson explained that it would make it difficult to budget operations.

Councilor Bird commented on the contentious March 9th Zoning Board meeting.

RESOLUTION # 55-23

FINGER LAKES WATER WORKS 2023 APRIL MEETING

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

ADOPTED	Ayes	4	Bird, Lent, Purdy, Sisson
	Nays	0	

Whereas; Finger Lakes Water Works Conference is hosting the 2023 April meeting at King's Catering, 4031 Rtes. 5 & 20, Canandaigua, NY.

Whereas; the cost for a pre-paid, pre-registered 2023 Conference Member is \$35.00/person; non-member \$40.00

Whereas; accreditation of operator contact hours will be given for attendance;

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification;

Whereas; instruction, training expenses and membership dues were approved in the 2023 budget;

Therefore, be it resolved to authorize attendance for up to (2) person(s) from the Water/Sewer Department to attend the Finger Lakes Water Works Conference Annual Business Meeting. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

With there being no further business, on a motion of Councilor Purdy, seconded by Councilor Bird, the meeting was adjourned at 7:57 P.M.

Sheila McMichael, Town Clerk