

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 17, 2018 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, Kent Lewis, John Christensen; *Chronicle Express* Reporter, Roz Bell, Sharon Pinckney, Dixon & Paul Zorovich, Doug Paddock, Ed Bronson, Barb Crumb.

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

RESOLUTION #17-18
CHANGES TO THE AGENDA

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

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

Resolved two items be added to the Agenda:

1. Additional Executive Session to discuss pending litigation
2. Amend Resolution #12-18 Hourly Rate for Town Hall Employees to establish the Court Clerk salary

RESOLUTION #18-18
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the December 20, 2017 meeting be approved as read.

RESOLUTION #19-18
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the Organizational Meeting be approved as read.

RESOLUTION #20-18
AUDIT OF CLAIMS - 2017 YEAR-END

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 2017 year-end bills be paid as presented in the following amounts:

General:	\$ 6,181.05
Outside Village	\$ 89.98
Highway DB:	\$12,141.87
Sewer:	\$37,830.62
Water:	\$ 4,155.56

RESOLUTION #21-18

AUDIT OF CLAIMS - JANUARY 2018

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

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

Resolved that the January 2018 bills be paid as presented in the following amounts:

General:	\$5,025.32
Outside Village	\$ 421.87
Highway DB:	\$1,839.74
Sewer:	\$1,170.89
Water:	\$2,032.37
Branchport Light	\$ 242.81

December Utilities:

General:	\$ 1,596.35
Outside Village:	\$ 238.59
Highway DB:	\$ 4,940.01
Branchport Light	\$ 242.81
Sewer:	\$ 568.88
Water:	\$ 1,161.05
Trust:	\$38,206.27

RESOLUTION #22-18

SUPERVISOR REPORT

On a motion of Councilor Sisson, 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 December 2017 be accepted as presented.

PUBLIC HEARING - HIGHWAY ENCROACHMENT - 3348 WEST BLUFF DRIVE

Supervisor Killen opened the public hearing at 7:05 P.M. to consider a highway encroachment license request for 3348 West Bluff Drive. Dorothy K. Reynolds is selling the subject property and has requested permission to keep and maintain the encroaching structure in its present location. Highway Superintendent Martin submitted a written report on his findings that the preliminary determination indicates that such encroachment does not adversely impact upon the users of the town (Resolution #255-17).

The proof of certified mailing to surrounding property owners was received by Town Clerk McMichael in accordance with Town Law 130.

In response to a question from Kent Lewis, Supervisor Killen explained the highway encroachment license request process.

The hearing was left open.

PUBLIC HEARING - WATER DISTRICT CAPITAL IMPROVEMENTS PROJECT

Supervisor Killen opened the public hearing at 7:10 P.M. to consider proposed improvements to the Keuka Park Consolidated Water District pursuant to Section 202-b of the New York State Town Law.

No one wished to comment.

The hearing was left open.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Approximately ½ of our salt/sand has been used so far this winter.

TOWN ENGINEER

- Notes of the, 2018 KPSW meeting on file in the Office of the Town Clerk.
- There have been five water main leaks since our last meeting with the cold weather.

ASSESSOR

- Report on file.
- The reval is approximately 55% complete.

COUNCIL

Councilor Jones contacted SWEPS to assist with Clean-Up Day on June 16th.

SUPERVISOR

- Written Budget Highway report on file in the Office of the Town Clerk.
- Supervisor Killen received constituent calls regarding a water leaks, a Highway matter referred to Superintendent Martin and a property maintenance issue that was already under review by CEO DeVoe.
- Bitley Cemetery sent a thank you for our annual contribution.
- NYMIR conducted a safety review that was discussed with Superintendent Martin.
- The credit card agreement is being completed for KPSW payments.
- The quarterly Supervisors meeting with IDA is being rescheduled.
- The KWIC/KLOC meeting is January 22nd at 7:00 P.M. at the Branchport Fire Department as Town Court is held here on Mondays.

SUBCOMMITTEE REPORT:

COMPREHENSIVE PLAN REVIEW:

The draft community survey was submitted to the Town Board for review. Chair Tim Cutler explained the process will be to survey all Town residents; year-round and seasonal, followed by public workshops after the survey results have been tabulated.

RESOLUTION #23-18

Resolution to authorize purchase and installation of a back-up power generator for the Town of Jerusalem Office

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

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

Whereas TOJ Office has been designated an emergency response center and the gathering point for Town Officials and employees to respond to an emergency in the Town of Jerusalem Disaster Response Plan, and the plan lists the Jerusalem Memorial Building (Office) as an emergency housing location, and

Whereas the Town of Jerusalem (TOJ) Office has experienced periodic power outages, including a recent outage in the middle of a payroll check run, and while there was a water main break, causing disruption of important functions of the Town, and

Whereas in case of natural or other disaster, continued operations of the Town of Jerusalem would require electrical power, and

Whereas Town of Jerusalem has requested and has received 4 proposals with costs for purchase and installation of a generator, more than sufficient to comply with TOJ procurement guidelines, and

Whereas the attached summary sheet showing quotes from CPS (Gary Wheat) of \$10,465, Daily Electric of \$9300, Fingerlakes Power Systems of \$9325, and Passno Installations of \$9100 shows that Passno Installations offers the best price, and

Therefore be it resolved that Passno Installations be approved to purchase and install a Generac 22 kW model 7043, 120/240v stand by propane powered generator for an amount of \$9100, for the Town of Jerusalem Office.

Resolved that this resolution is subject to permissive referendum.

RESOLUTION #24-18

Resolution to transfer \$9500 from Building Reserve Fund to General Fund to purchase and install a Generac back-up generator

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

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

Whereas TOJ Office has been designated an emergency response center and the gathering point for Town Officials and employees to respond to an emergency in the Town of Jerusalem Disaster Response Plan, and the plan lists the Jerusalem Memorial Building (Office) as an emergency housing location, and

Whereas the Town of Jerusalem (TOJ) has determined that for continuity of services a dependable supply of power is needed, and

Whereas the low bid for purchase and installation of a generator is \$9100, and

Therefore be it resolved that \$9500 be moved from the Building Reserve Fund to the General Fund for purchase and installation of a back-up generator, and any related incidentals.

Resolved that this resolution is subject to permissive referendum.

RESOLUTION #25-18

COMPREHENSIVE FINANCIAL MANAGEMENT POLICY REVIEW:

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

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

Resolved the annual review of the Town's Financial Management Policy was conducted and the Policy accepted.

INTERMUNICIPAL ASSISTANCE AGREEMENT WITH MILO AND KPSW ADDENDUM
Will be placed on the February meeting agenda.

RESOLUTION #26-18

284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEY

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 Board and Highway Superintendent enter into the Agreement for the Expenditure of Highway Moneys pursuant to the provisions of Section 284 of the Highway Law.

RESOLUTION #27-18

CLOSE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE 3348 WEST BLUFF

On a motion of Supervisor Killen, seconded by Councilor Stewart, 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 on the highway encroachment license at 7:20 P.M.

RESOLUTION #28-18

CLOSE PUBLIC HEARING - WATER DISTRICT IMPROVEMENTS CAPITAL PROJECT

On a motion of Supervisor Killen, seconded by Councilor Stewart, 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 on the proposed improvements to the Keuka Park Consolidated Water District at 7:20 P.M.

RESOLUTION #29-18

SEQR DETERMINATION - WATER DISTRICT IMPROVEMENTS CAPITAL PROJECT

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

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

Whereas on January 17, 2018 the Town Board held a Public Hearing on Proposed Improvements to the Keuka Park Consolidated Water District;

And further subsequent to said Public Hearing, the Board recognized that this is an Unlisted Action and reviewed the Short Form Environmental Assessment form for said Proposed Improvements;

Therefore it is determined that the proposed action will not result in any significant adverse environmental impacts and the Supervisor is hereby authorized to sign Part 3 the Determination of Significance.

RESOLUTION #30-18

APPROVE CONSOLIDATED WATER DISTRICT IMPROVEMENTS CAPITAL PROJECT

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 Town Board of the Town of Jerusalem has duly caused to be prepared a map and plan and estimate of the cost for improvements to the Keuka Park Consolidated Water District, identified as Alternative 1 therein, to consist of the installation of 440 linear feet of new water main on Cypress Street and the replacement of 2,775 linear feet of existing water main that is in poor condition and subject to frequent breaks. As part of the new main installation and main replacements, a number of cross-lot services will be removed and new services will be installed with a direct connection to the Town's mains. Also, a private 2-inch galvanized water main will be abandoned with service sets installed to allow customers presently served by this 2-inch main to tap into the Town's 12-inch main. The proposed improvements also consist of the installation of six automatic flushing stations throughout the Keuka Park Consolidated Water District distribution system. These stations will address high disinfection byproduct levels that occur in the far-reaching dead ends of the system in the winter months when water demand is at its lowest. Automation of the flushing process will also reduce operator time required to manually operating fire hydrants that are currently used to periodically flush the system.

Additionally, in order to meet NYS DOH standards and prevent paint from entering the distribution system, the interior and exterior of the Keuka Park Tank will be stripped and repainted as part of these improvements. Also, because the Keuka Park Consolidated Water District State Park tanks do not have standalone mixing systems installed and all mixing is achieved when the tanks are filled and

drained via the Keuka Park Consolidated Water District distribution system, mixing units will be installed in each State Park tank as part of the proposed improvements to maintain a more consistent chlorine residual and prevent icing in the winter; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$782,000.00, such estimated costs to be the responsibility of the Keuka Park Consolidated Water District. All of this \$782,000.00 is to be financed and repaid by the owners of property within the Keuka Park Consolidated Water District, unless the Town is able to secure grants to offset any part of this cost; and

WHEREAS, the Town Board of the Town of Jerusalem duly adopted a resolution on December 20, 2017, calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, on January 17, 2018, at 7:10 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, the Town Board has duly considered all of the evidence given at such public hearing; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of these improvements to the Keuka Park Consolidated Water District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Jerusalem that, based upon the evidence given at the aforesaid public hearing and its review of the environmental assessment form and findings based thereon, it is hereby found and determined to be in the public interest to provide for the aforesaid improvements of the facilities of the Keuka Park Consolidated Water District in the Town of Jerusalem, as described in the preambles hereof and in the map and plan prepared for this project, at an estimated cost of \$782,000.00, and the same is hereby authorized.

RESOLUTION #31-18
JUSTICE AUDIT AGREEMENT LETTER

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

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

Resolved the Supervisor be authorized to sign the Engagement Letter with Bonadio, Inc. to conduct the 2017 Justice audit.

RESOLUTION #32-18

FINGER LAKES WATER WORKS CONFERENCE ANNUAL MEETING & DUES

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

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

Whereas; Finger Lakes Water Works Conference is hosting the 2018 Annual Business Meeting at Club 86, Avenue E, Geneva, NY 14456 on February 1st, 2018 at 9:00 am.

Whereas; the cost for a pre-paid, pre-registered 2018 Conference Member is \$25.00/person;

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; Water & Sewer Clerk, Ginny Fenton, Finger Lakes Water Works Membership Dues expires February 2018; Annual Membership Dues are \$7.00. Membership Dues can be purchased for a three year period for \$15.00. This \$15.00 payment will save \$6.00.

Whereas; instruction, training expenses and membership dues were approved in the 2018 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 Spring Meeting at a cost of \$25.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4. May it also be resolved to authorize payment for renewal of membership dues for KPSW Clerk, Ginny Fenton, expiring February 2021. This expense to be funded 70% from the 8310.4 and 30% by 8110.4.

RESOLUTION #33-18

2017 BUDGET YEAR END TRANSFERS

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

the following was

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

General Fund

From 1990.4 Contingent	\$1,215.00
To 1010.1 Town Board PS	\$ 500.00
1670.4 Printing/Mailing	\$ 503.00
9010.8 Retirement	\$ 212.00

Highway DB Fund

From 9010.8 Retirement	\$6,862.00
To 8760.4 FEMA	\$6,862.00

(waiting for funds to come in from FEMA)

Sewer Fund

From 1990.4 Contingent	\$9,637.00
To 8130.4 Penn Yan	\$9,637.00

Town Engineer Ackart explained the Sewer Fund overage was due to Penn Yan's annual reconciliation that is done following completion of their audit.

RESOLUTION #34-18

AUTHORIZE CEO TO ATTEND FINGER LAKES BUILDERS OFFICIALS ASSOCIATION (FLBOA) TRAINING

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

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

Whereas Code Enforcement Officer Zac DeVoe is required to maintain awareness of current laws and regulations through annual training, and

Whereas FLBOA has scheduled a training session at RIT March 12-March 14, 2018, (see training request attached)

Therefore be it resolved to allow CEO Zac DeVoe to attend training at FLBOA conference March 12-14, 2018 with costs for training not to exceed \$390 and lodging not to exceed \$282.

RESOLUTION#35-18

INTRODUCE LOCAL LAW A-2018 TAX LEVY LIMIT OVERRIDE AND CALL A PUBLIC HEARING

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 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 to override the tax levy limit established in General Municipal Law §3-c; 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 February 21, 2018, 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 newspapers 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 #36-18

AMEND RESOLUTION #12-18 ESTABLISHING THE COURT CLERK SALARY

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

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

Resolved Resolution #12-18 be amended to increase the Court Clerk salary to the 2017 rate plus 2% pending modification of Justice personnel.

PUBLIC COMMENT

- New Yates County staff members are Mike Tantillo, 2nd Assistant DA and Cathy Palermo, Public Defender.
- With the resignation of Judge Davison, Doug Paddock suggested the Town consider consolidating our court, noting this was part of the County Shared Services Initiative discussions.
- The broadband community survey will continue through March 31. They have received 52% of the desired responses to date. Data collected will be used for marketing to provide reliable services at an affordable price to our area.
- Information on the septic and sewer repair services monies awarded to Yates County can be found under the Planning Department on the County website www.yatescounty.org. Recipients are eligible for 50% of the cost up to a maximum of \$10,000.
- Councilor Stewart thanked the County Legislators for adopting the cold war veteran exemption.
- Dixon Zorovich, Barb Crumb, Roz Bell and Paul Zorovich suggested the Town appoint Sharon Pinckney as interim Justice. They stated while Mrs. Pinckney lost to the incumbent in the November election, she had support of the Town residents receiving over 400 votes. Supervisor Killen stated three candidates were interviewed for the position.

RESOLUTION #37-18

GRANT HIGHWAY ENCROACHMENT LICENSE - 3348 WEST BLUFF DRIVE

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

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

WHEREAS the Estate of Dorothy K. Reynolds, owning property at 3348 West Bluff Drive, in the Town of Jerusalem has applied for permission to continue and maintain so much of her residential structure at that location as lies within the bounds of West Bluff Drive as per the survey map prepared by Richard L. Willson and filed with the Town Clerk, and

WHEREAS the Highway Superintendent has reported that his opinion is that the encroaching structure does not interfere with the use of West Bluff Drive, and

WHEREAS pursuant to Town Law §130 (7) (g) a hearing was duly held by this Town Board on January 17, 2018, and

WHEREAS notice of the hearing was given in accordance with law,

NOW THEREFORE BE IT RESOLVED:

1) That the Town Board finds that the encroaching structure at 3348 West Bluff Drive does not interfere or impede the use of West Bluff Drive at the present time; and

2) That the Supervisor is hereby authorized to execute and deliver the License Agreement with Dorothy K. Reynolds granting a license to continue and maintain the encroaching structure pursuant to §130(7) in the form presented to this meeting, a copy of which is made a part hereof.

THIS AGREEMENT, entered into this 17th day of January, 2018, by and between the Town of Jerusalem (the "Town"), a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices at 3816 Italy Hill Road, Branchport, NY 14418, and the Estate of Dorothy K. Reynolds/Executrix Marilyn Straub, ("Licensee"), an individual residing at 3348 West Bluff Drive, Bluff Point, New York 14478.

WHEREAS, Licensee is the owner of certain real property located at 3348 West Bluff Drive in the Town of Jerusalem, Yates County, New York, identified as Tax Map Parcel No. 95.83-1-2 (the "Property"); and

WHEREAS, West Bluff Drive is a Town Highway (the "Town Highway") maintained by and under the control of the Town; and

WHEREAS, the Town and Licensee have reviewed a survey map of the Property, made by Richard L. Willson, a licensed surveyor, dated October 5, 2017, (the "Survey") which said Survey shows an exterior wall of a building described as a house, located on the Property encroaching onto the Town Highway by up to 3.78 feet (the "Encroachment"); and

WHEREAS, Licensee has submitted a written request to the Town, pursuant to Section 131 7. (f) of the New York State Town Law, requesting authorization to maintain the Encroachment during the time such wall is in existence; and

WHEREAS, the Town has followed the procedure in Section 131 7. (g) and (h) of the New York State Town Law and the Town Board has determined, by resolution approved on January 17, 2018, that the Encroachment does not interfere or impede the right of the public to use such Town Highway.

NOW, THEREFORE, WITNESSETH, that, as a result of the foregoing, the Town and Licensee, for the consideration hereinafter named, do hereby mutually agree as follows:

1. The Town hereby gives and grants to Licensee a revocable license (the "License") to allow the Encroachment to remain as presently located, as is shown on the Survey, during the period such front or exterior wall constituting the Encroachment is in existence.

2. The Town has the authority conferred upon it by Section 130 7. (h), as amended, to revoke this license at any time in the event the Town Board determines that such Town Highway will be improved and, as a result of such improvement, the encroaching exterior wall that is the subject of this License will then impede, interfere with or obstruct traffic or the use of the Town Highway.

3. The License is made upon the condition that the building causing the Encroachment may not be further extended and may not be modified to encroach into a different area of the Town Highway or other than is shown on the Survey.

4. Licensee agrees that if the building causing the Encroachment is ever destroyed or if the building causing the Encroachment ever needs to be rebuilt, replaced or removed, Licensee(s), their heirs, successors or assigns, will replace and/or rebuild the building totally within the lot lines of the Property and totally outside the Town Highway.

5. Licensee agrees to reimburse the Town for any and all damages or injury to any real property, personal property or capital improvements of the Town that may arise, directly or indirectly, from the negligence, acts, or omissions of Licensee, its officers, members, contractors, agents, employees, estate representatives, successors, or assigns, as a result of the Encroachment or of the License.

6. Licensee agrees that it will defend, indemnify, and save harmless the Town from any and all suits, actions, or causes of action of every name and description brought against the Town, its officers, employees, boards or departments for or on account of any injuries or damage, whether to a person, to property or to both, received or sustained by any person or persons by or from the negligence, acts, or omissions of Licensee, its officers, members, contractors, agents, employees, estate representatives, successors, or assigns, as a result of the Encroachment or of the License.

7. The revocable license granted herein (a) is not a conveyance of real property, (b) is not intended to grant or convey to Licensee the exclusive use of the portion of the Town Highway on which the Encroachment sits, (c) is granted subject to grants, conveyances, easements, and rights-of-way heretofore made

to others, and (d) is granted subject to the rights of the Town and the public, which the Town hereby reserves, to (i) use and enjoy the lands within the Town Highway right-of-way in any manner that does not unreasonably interfere with the right herein granted to Licensee, and to (ii) use and enjoy the lands within the Town Highway right-of-way in any manner a town highway shall or may be used in accordance with New York State law.

8. The provisions of Paragraphs 5 and 6 of this Agreement shall survive any termination of the revocable license or of this Agreement.

9. This License shall be binding on Licensee's heirs, successors and assigns and on all future owners of the Property.

10. This Agreement shall be construed in accordance with the laws of the State of New York, and constitutes the complete understanding and agreement of the parties. No modification or amendment of any of the provisions hereof shall be valid unless in writing and signed by all parties hereto.

RESOLUTION #37-18

MOVE TO EXECUTIVE SESSION

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 this meeting be interrupted to enter into Executive Session to discuss the Town Justice and pending litigation.

The Executive Session convened at 7:48 P.M.

The following information was provided by Councilor Jones:

RESOLUTION #38-18

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:35 P.M.

No action appointing Justice.

Jerusalem Town Board
January 17, 2018

With there being no further business, on a motion of Councilor Stewart, seconded by Supervisor Killen, the meeting was adjourned at 8:36 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

Local Law No. A of the year 2017

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 2018 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 2018 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.

Exhibit 2

**TOWN OF JERUSALEM
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on the 21st day of February, 2018, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2019 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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.

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