

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 20, 2019 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin,

Excused: Town Engineer Ackart.

GUESTS: Tim Cutler, John Christensen; *Chronicle Express* Reporter

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

RESOLUTION #36-19

CHANGES TO THE AGENDA

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

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

Resolved proposed Local Law B of 2019 amending Chapter 145 Vehicles and Traffic to add new parking regulations be added to the agenda.

RESOLUTION #37-19

CHANGES TO THE AGENDA

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

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

Resolved the request from Attorney Don Schneider on behalf of Michael J. Benulis to abandon highways on Skyline Drive be added to the agenda.

RESOLUTION #38-19

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 16, 2019 meeting be approved as read.

RESOLUTION #39-19

AUDIT OF CLAIMS

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 bills be paid as presented in the following

amounts:

General:	\$ 9,937.56
Outside Village	\$ 1,212.16
Highway DB:	\$16,859.37
Sewer:	\$46,679.50
Water:	\$ 8,714.33
Branchport Light	\$ 394.43
Capital:	\$ 7,021.39
Trust:	\$ 6,508.00

January Utilities:

General:	\$ 1,114.68
Outside Village:	\$ 23.76
Highway DB:	\$ 4,704.70
Sewer:	\$ 209.95
Water:	\$ 470.38
Trust:	\$22,080.11

RESOLUTION #40-19

SUPERVISOR REPORT

On a motion of Councilor Anderson, 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 January 2019 be accepted as presented.

RESOLUTION #41-19

OPEN PUBLIC HEARING - PROPOSED LOCAL LAW A-2019 TAX CAP OVERRIDE

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 7:05 P.M., asking for comments on proposed Local Law A-2019 Tax Cap Override.

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.
- Several items declared as surplus (Resolutions #227-18 and #228-18) were sold on Auctions International; 2000 Sterling plow truck \$10,500, used metal siding \$1,500, used Stinger Blades

\$1,600, auto canvas \$400

- A 5-year equipment replacement schedule was discussed.

TOWN ENGINEER

- Notes of the February 14, 2019 KPSW meeting on file in the Office of the Town Clerk.
- Councilor Stewart reported the water capital project bid opening is February 28th at 10:00 a.m.
- The varying temperatures caused a number of water main breaks.

ASSESSOR

- Report on file.

RESOLUTION #42-19

ADDITION TO THE AGENDA

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

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

Resolved Esperanza Mansion Fire Inspection Assistance Resolution be added to the agenda.

COUNCIL

Councilor Stewart continues to work on moving our jury trials to the County as the Town Hall is not conducive to hold them here.

SUBCOMMITTEE REPORT

KENNEL REGULATIONS

Draft Kennels and Breeding Facilities regulations proposed by the subcommittee have been circulated. Attorney Graff will be asked to draft them into local law.

SUPERVISOR

- The Newell litigation against the Zoning Board of Appeals has been resolved in our favor on file.
- Pictures have been submitted showing a number of vehicles parked in the Keuka Park Post Office vicinity supporting the need for the proposed parking regulations on Central and Assembly Avenues.
- Concerns regarding a recent Zoning Board decision were received tonight from past Planning Board member Annette Toaspern. This will be on the March 20, 2019 meeting agenda.

RESOLUTION #43-19

UNTABLE MUNICIPALITY

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

the following was

ADOPTED Ayes 4 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

Resolved utilizing Municipay to allow payment to the Building Department with credit, debit and electronic checks be removed from the table.

RESOLUTION #44-19

AUTHORIZE PAYMENTS TO THE BUIDING DEPARTMENT UTILIZING MUNICIPALPAY

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

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

Whereas the meeting held to clearly define the process and provide details on the accountability and internal controls to allow payment to the Building Department with credit, debit and electronic checks through Municipay was inclusive, now, therefore, be it

Resolved the Building Department be authorized to utilize Municipay with deposits directly to the General Outside Village account on a trial basis.

RESOLUTION #45-19

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW B-2019 AMENDING CHAPTER 145 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

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 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations";

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 March 20, 2019, 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 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 #46-19

284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEY

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 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.

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A-2019 TAX CAP OVERRIDE

With all persons desiring to be heard, Supervisor Killen closed the public hearing on proposed Local Law A-2019 Tax Cap Override at 7:35 P.M.

The regular meeting was reconvened.

RESOLUTION #47-19

ADOPT PROPOSED LOCAL LAW A-2019 TAX CAP OVERRIDE

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

ADOPTED BY ROLL CALL VOTE:

Councilor Sisson	Aye
Supervisor Killen	Aye
Councilor Stewart	Aye
Councilor Anderson	Aye
Councilor Jones	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 February 20, 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 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 February 6, 2019 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 February 20, 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. 2 of 2019, 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.

RESOLUTION #48-19

ESTABLISH CERTIFICATE OF NONCONFORMITY FEE

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

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

Whereas a Certificate of Non-Conformity will be issued by the Code Enforcement Officer in accordance with the newly adopted zoning amendment Local Law 1 of 2019; now, therefore, be it

Resolved a fee of \$50.00 be added to the Fee Schedule for a Certificate of Non-Conformity.

RESOLUTION #49-18

APPROVE SUBMITTING LETTER OF SUPPORT CCE YATES AND KLA GRANT FOR
BOAT STEWARD PROGRAM

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

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

WHEREAS, Cornell Cooperative Extension of Yates County and the Keuka Lake Association are applying to the New York State Department of Environmental Conservation for a project grant under the Aquatic Invasive Species Spread Prevention Program to be located Keuka State Park Boat Launch, a site located within the territorial jurisdiction of the Town of Jerusalem New York; and

WHEREAS, as a requirement of these programs, said Cornell Cooperative Extension of Yates County must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located",

NOW, THEREFORE, be it resolved that the Town Board of Jerusalem hereby does approve and endorse the application of Cornell Cooperative Extension of Yates County for a grant under the NYS Department of Environmental Conservation Aquatic Invasive Species Spread Prevention Program for a project known as Boat Steward Outreach Education Program located within this community and the Supervisor's submission of a letter of support for said grant.

RESOLUTION #50-19

STATEMENT OF TECHNICAL ASSISTANCE AND SHARED FUNDING - PY SEWER
MAIN PROJECT GRANT

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

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

In June, Patrick Killen, Supervisor attended a Yates County Hazard Mitigation Planning workshop to discuss potential Town of Jerusalem mitigation action items to be included in the plan. Team members spoke with Jerusalem Highway Superintendent, Rob Martin and they discussed actions related to improvements on East and West Bluff Drive.

One action was developed by the Village of Penn Yan for the need to install a second sewer force main to the Waste Water Treatment Plant. The Waste Water Treatment Plant services the Village, Town of Jerusalem and Town of Milo.

The Yates County Hazard Mitigation Planning team is requesting that the Keuka Park Sewer & Water Committee support the project. The Town of Milo has written and sent its support. Since any such aid to Penn Yan would reduce our 25% cost sharing for this project the KPSW Committee is asking Town Board authorization for the Supervisor to sign and send our support and endorsement. .

Town of Jerusalem support will serve the stakeholders with a better chance of securing funding for the project.

RESOLUTION #51-19

YATES COUNTY PLANNING BOARD REPRESENTATIVE - BOB WORDEN

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

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

Resolved Bob Worden be appointed to represent Jerusalem on the Yates County Planning Board.

RESOLUTION #52-19

ESPERANZA MANSION FIRE INSPECTION ASSISTANCE

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

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

Whereas the Esperanza Mansion will require a complete fire inspection and the town CEO is requesting help from Rick Towner, Synergy Safety Solutions having this expertise.

Now, therefore let it be resolved that the Town hire Rick Towner for a fee of \$100 to assist our town CEO under his direction. Mr. Towner has insurance for liability and workman's comp and will be required proof to the Town Clerk before the inspection takes place.

CONSENT TO ABANDON 4871/4873 SKYLINE DRIVE

The Town Board consented to proceed with the process to abandon 4871/4873 Skyline Drive requested by Attorney Don Schneider on behalf of Michael J. Benulis (attached).

Resolution #53-19

YATES COUNTY WATER STUDY

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

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

Whereas; Jason Bellis of Larson Design Group and Mary Chapel of Municipal Solutions are working on a County Wide Water Systems Study for Yates County. The project would evaluate the current systems and collect information for a county wide water study ultimately developing suggestions for cost saving collaborative measures, facilitate system(s) expansion or maintenance, and financial aid thereof.

Whereas; the Town of Jerusalem has agreed to participate in this study at a cost of \$225.00 with funds from the contingency fund.

Therefore be it resolved to authorize the payment to Yates County of \$225.00 from the Town of Jerusalem General Fund 8989.4.

PUBLIC COMMENT

- County Legislator Tim Cutler reported the following:
 - 1) The elections calendar changed this year with petition signing beginning February 26 and the primary election on June 25.
 - 2) Bids put out by the Yates County Highway were awarded.
 - 3) Resolutions were adopted that will provide funds for a forgivable loan to Catholic Charities for building renovations to expand employment and operations in the County.
 - 4) A resolution opposing the closing of the Soldiers & Sailors Memorial Hospital Mental Health Unit and calling for more consideration regarding the impact that this will have on the community was adopted.
- John Christensen was asked to salvage old books and documents located at 2510 Rte. 54A. They are not in good condition due to pipes that burst when the house was unheated. The property has been taken over by the bank.

With there being no further business, on a motion of Councilor Stewart, seconded by Supervisor Killen, the meeting was adjourned at 8:05 P.M.

Sheila McMichael, Town Clerk

**AGREEMENT FOR THE EXPENDITURE
OF HIGHWAY MONEYS**

AGREEMENT between the Highway Superintendent of the Town of Jerusalem, Yates County, New York, and the undersigned members of the Town Board. Pursuant to the provisions of section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of \$273,580.00 shall be set aside to be expended for primary work and repairs upon 109 miles of Town Highways, including sluices, culverts, and bridges having a span of less than 5 feet or the renewals thereof.
2. PERMANENT IMPROVEMENTS. The sum of \$378,845.09 shall be set aside to be expended for permanent improvements to Comstock Rd, Stever Hill from CR33 to Prosser Rd, Prosser Rd from CR 32 going South 1.5 miles, Parker Rd from Belknap Hill Rd to CR32, West Bluff Dr State Park Rd to East Bluff 6.23 miles, Italy Friend Rd from CR 31 going South for 1 mile, Esperanza Rd from Sid White Rd going South 1.4 miles.

Executed in duplicate this _____ day of _____, 2019

Supervisor

Councilman

Councilman

Councilman

Councilman

Town Superintendent

Exhibit 1

Local Law No. 2 of the year 2019

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 2019 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 2019 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 of Jerusalem on the 20th day of March, 2019, at 7:05 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 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", which would amend Chapter 145 of the Code of the Town of Jerusalem to add new parking regulations that would prohibit overnight parking on Assembly Avenue and Central Avenue and establish a 10 minute time limit for parking on portions of Assembly Avenue and Central Avenue during the hours when parking is permitted on such streets.

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 at the office of the Jerusalem Town Clerk during regular business hours 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.

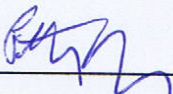
Sheila McMichael, Town Clerk

February 20th, 2019

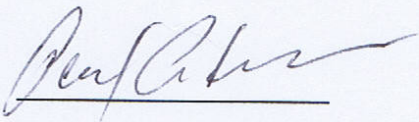
Written consent of Jerusalem Town Board regarding abandonment of "paper" road at 4871/4873 Skyline Drive.

We the undersigned, Town Board of the Town of Jerusalem, consent to the abandonment of the proposed or "paper" road at 4871 and 4873 Skyline Drive, in the Town of Jerusalem as described in the deeds on property now owned by Michael Benulis.

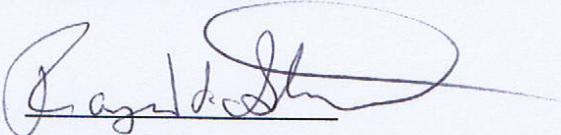
We request that Jerusalem Highway Superintendent Rob Martin cause to be recorded in the Town Clerk's Office a written description of said road, to be signed by the Highway Superintendent and the Town Board. Thereafter, resolution be voted on in the March 20th 2019, abandoning such road, and setting a 30 day permissive referendum period. Such resolution terms to be drafted by Town Attorney, Jeffrey Graff.



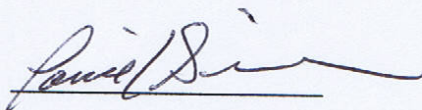
Patrick Killen, Supervisor



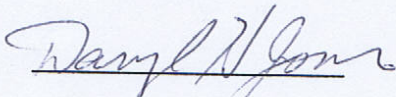
Paul Anderson, Councilman



Ray Stewart, Councilman



Jamie Sisson, Councilman



Daryl Jones, Councilman