

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 18, 2020 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Martin, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Ritchie Lent, Tim Cutler, Randy Rhoads, Peter Bekisz.

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

CHANGES TO THE AGENDA

Supervisor Sisson provided an overview of Governor Cuomo's new statewide restrictions to address the most common sources of COVID-19 spread.

RESOLUTION #127-20

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved that the minutes of the October 21, 2020 meeting be approved as read.

RESOLUTION #128-20

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

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

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|------------------|-------------|
| General: | \$14,717.77 |
| Outside Village | \$10,140.28 |
| Highway DB: | \$49,933.74 |
| Sewer: | \$47,955.00 |
| Water: | \$ 6,416.34 |
| Branchport Light | \$ 250.81 |
| Trust: | \$ 3,489.00 |
| Capital: | \$ 560.00 |

October Utilities:

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|------------------|-------------|
| General: | \$ 740.63 |
| Outside Village: | \$ 70.66 |
| Sewer: | \$ 70.57 |
| Water: | \$ 164.66 |
| Trust: | \$22,424.75 |

RESOLUTION #129-20
SUPERVISOR REPORT

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of October 2020 be accepted as presented.

TOWN OFFICIALS
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Shared services were discussed with the County should we experience COVID-related employee shortages during a storm. Superintendent Hurd will also contact NYS DOT.
- We are awaiting delivery of the John Deere tractor and the International plow truck.
- Three employees will be on vacation next week.

WATER/SEWER REPORT

- Notes of the November 10, 2020 KPSW meeting on file in the Office of the Town Clerk.
- Councilor Stewart stated Water/Sewer Department is buttoning up for the winter.
- The Teamsters Union Contract will be on the December agenda.

ASSESSOR

- Report on file.

COUNCIL

- Councilors Castner and Jones met to review the wording of proposed Local Law C-2020 ZBA notice zoning amendment.
- Incomplete Planning Board applications need to be addressed. Two site plan reviews on the November agenda were sketch plan reviews. Holding pre-meetings was discussed. Supervisor Sisson will provide the legal opinion previously received on this.
- The Sunshine Committee will purchase holiday gift cards from Morgan's Grocery for employees this year.

SUPERVISOR

- Supervisor Sisson attended the October 28th Seneca Watershed Initiative Organization meeting and Congressman Tom Reed's weekly Zoom meeting.

- The Association of Towns "Town Board Relationships with Planning and Zoning Boards" webinar slide show was shared with the Board members.
- More editorials were published in the *Chronicle Express* opposing the proposed Keuka Housing Council project off of Court Street.
- Keuka Park resident Phil Mann submitted a letter opposing any new residential (or other) construction on Cedar Street as it is already a congested area. Habitat for Humanity owns the vacant lot.

SUBCOMMITTEE REPORTS

MARIJUANA DISPENSARY REGULATIONS

Subcommittee members will be Councilor Stewart, Tim Cutler, Randy Rhoads and CEO Zac DeVoe. Yates County Planner Dan Long is coordinating a countywide effort to review zoning in anticipation of New York State legalizing the adult use of recreational marijuana.

2020 HIGHWAY BUDGET AMENDMENT - TRACTOR PURCHASE

The budget amendment will be done when the tractor delivered and invoiced.

RESOLUTION #130-20

YATES COUNTY/TOWN/CARDINAL DISPOSAL AGREEMENT

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

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|---------|------|---|---|
| ADOPTED | Ayes | 5 | Castner, Jones, Martin, Sisson, Stewart |
| | Nays | 0 | |

Whereas Yates County has proposed an agreement among Yates County, the Town of Jerusalem and Cardinal Disposal for use of county-owned land for the transfer station; now, therefore, be it

Resolved Supervisor Sisson will forward said agreement to Cardinal Disposal for execution; and, be it further

Resolved the Supervisor be authorized to execute the Garbage and Recyclable Collection on Certain Yates County Property Agreement and provide the necessary insurance certificates.

RESOLUTION #131-20

SCHEDULE PUBLIC HEARING PROPOSED LOCAL LAW C-2020 ZONING AMENDMENT
ZBA NOTICES

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

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|---------|------|---|---|
| ADOPTED | Ayes | 5 | Castner, Jones, Martin, 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 Amending the Town of Jerusalem Zoning Ordinance"; 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 December 16, 2020, 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 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.

RESOLUTION #132-20

DECLARE 1994 624GH LOADER AS SURPLUS

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

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| ADOPTED | Ayes | 5 | Castner, Jones, Martin, Sisson, Stewart |
| | Nays | 0 | |

Resolved that the 1994 624GH Loader be declared as surplus equipment and the Highway Superintendent be authorized to advertise the sale of said loader; and be it further

Resolved that the proceeds from this sale will be deposited into the Highway equipment reserve fund.

RESOLUTION #133-20

APPROVE 2021 KEUKA PARK SEWER/WATER FEES AND RATE SCHEDULE

On a motion of Councilor Stewart, seconded by Councilor Castner,

the following was

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer Districts establishes the fees for sewer and water customers of the districts; and

WHEREAS, Section 198(3)(d) of the Town Law of the State of New York authorizes the Town Board to establish the rates for use of water by customers of the district; and

WHEREAS, Section 152-8 of the Code of the Town of Jerusalem provides that the rate schedule be kept on file in the office of the Town Clerk; and

WHEREAS, Section 131-25 of the Code of the Town of Jerusalem authorizes the Town Board to establish the fees for use of sewer by customers of the district; therefore, be it

RESOLVED that the proposed Fee Schedule and Rate Schedule of the Keuka Park Sewer and Water Districts attached to this resolution be and it hereby is approved to go into effect on January 1, 2021 and continue in effect thereafter until further resolution of this Board.

RESOLUTION #134-20
GUYANOGA ROAD SPEED STUDY REQUEST
RESOLUTION #-20

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Whereas a petition was presented due to concerns regarding travel on Guyanoga Road to reduce the speed limit; and

Whereas the Board deemed it necessary to have DOT conduct a speed study on said road; now, therefore, be it

Resolved that a NYSDOT form TE-9a be submitted to the Yates County Highway Superintendent for further consideration.

RESOLUTION #135-20
APPROVE YCSO ANIMAL CONTROL AGREEMENT

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Resolved the Supervisor be authorized to execute the 2021 Animal Control Agreement with the Yates County Sheriff's Office.

RESOLUTION #136-20
2020 HIGHWAY BUDGET AMENDMENT - PRESSURE WASHER PURCHASE

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

ADOPTED Ayes 5 Castner, Jones, Martin, Sisson, Stewart
 Nays 0

Whereas, Superintendent Hurd recycled scrap metal at B&B Recycling; and

Whereas, said scrap metal generated \$4,695.75 in such sale; and

Whereas, Superintendent Hurd desires to purchase a Landa Portable Hot Water Electric Pressure Washer from Kepner Equipment for \$5,705.00; and

Whereas, the sale of scrap will offset the majority of the expense, no, therefore, be it

Resolved that the 2020 Highway DB 5130.2 (Equipment) be increased \$4,695.75 to reflect the expense of the Landa Pressure Washer.

MOBILE HOME PARK APPLICATION - 2762 EAST SHERMAN HOLLOR ROAD

Alex Kuehne, Sole Member, Upstate Regional Properties, LLC requested to continue operation of the trailer park located at 2762 East Sherman Hollow Road. The trailer park is excepted from the license renewal process as it preexisted the 1972 adoption of Town Code Chapter 104 Mobile Homes and Mobile Home Park and is allowed to continue as no additional lots or expansion of the park are proposed.

PLANNING/ZONING BOARD TRAINING

Planning and Zoning members are reminded of their training requirements in accordance with Local Law 3-2006.

It was noted, due to COVID-19 restrictions, the Genesee Finger Lakes Regional Planning Council will hold their training sessions virtually.

PUBLIC COMMENT

- Peter Bekisz reported there are less than thirty students currently on the College campus.
- County Legislator Tim Cutler gave the County report. The Reconnect project is underway; the County Budget Public Hearing is tomorrow; and a COVID update.

With there being no further business, on a motion of Supervisor Sisson, seconded by Councilor Stewart, the meeting was adjourned at 8:07 P.M.

Sheila McMichael, Town Clerk

EXHIBIT 1
Local Law No. C of the year 2020
A Local Law Amending the Town of Jerusalem Zoning Ordinance

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Subsection (6) of paragraph A. (Use variances) of Section 160-70.1 (Variances; procedure) of Article XV (Zoning Board of Appeals) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of a new subparagraph (p) to read as follows:

(p) Impacted Agency and utility recommendations. A written recommendation from every "involved agency" and "interested agency", as those terms are defined in 6 CRR-NY 617.2 (t) and (u), respectively, as amended, and from every federal, state, county, town and other agency, as well as any utility, determined by the Zoning Board of Appeals to be affected by the proposed project setting forth whether they support or do not support the proposed project and their reasons therefore.

Section 2. Paragraph B. (Area variances) of Section 160-70.1 (Variances; procedure) of Article XV (Zoning Board of Appeals) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of a new subsection (5) to read as follows:

(5) In addition to the application requirements from time to time established pursuant to law and this chapter, applications for an area variance shall contain a written recommendation from every "involved agency" and "interested agency", as those terms are defined in 6 CRR-NY 617.2 (t) and (u), respectively, as amended, and from every federal, state, county, town and other agency, as well as any utility, determined by the Zoning Board of Appeals to be affected by the proposed project setting forth whether they support or do not support the requested area variance and their reasons therefore.

Section 3. Subparagraph (c) of subsection (3) of paragraph B. of Section 160-73 (Hearings; notices; decisions; costs) of Article XV (Zoning Board of Appeals) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new subparagraph (c) is inserted in its place to read as follows:

(c) The relief requested in specific detail to inform the public of the actual relief, if granted. For area

variance applications, this notice shall state, at a minimum, the dimensional or physical requirements of this Chapter the applicant wants to vary along with a statement of how, specifically, the applicant wants to vary such requirements. For use variance applications, this notice shall state, at a minimum, the specific use the applicant wants to conduct on the property that is not permitted by this Chapter.

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. Superseding Effect.

Pursuant to New York Municipal Home Rule Law, Section 22, the provisions of this law are to supersede any inconsistent provision of state or local law.

Section 6. 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 December 16, 2020, 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 2020, which would amend The Town of Jerusalem Zoning Ordinance to amend the regulation specifying what the public notice given by the Zoning Board of Appeals shall contain for the hearing of an appeal for administrative review or for the hearing of any application for a special use permit.

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 public 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.

Sheila McMichael, Town Clerk

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| TOWN OF JERUSALEM KEUKA PARK SEWER & WATER DEPT 2021 Rate Schedule - Preliminary |
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| WATER RATES: | |
| Keuka Park Water District: | |
| Usage - | \$ 61.50/Quarter = 10,000 gallons (minimum) |
| | 6.15/1,000 gallons over minimum usage |
| Capital - | \$206.81/EDU billed annually on the January Town/County tax bill |
| Out of District Rate - | 25% Surcharge on Usage and Capital rates |

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| SEWER RATES: Charges below are on a per unit basis in accordance with Section 131-26 of the sewer use law. | |
| <i>Sewer charges are collected in advance.</i> | |
| Keuka Park Sewer Original District & #1: | |
| Operation/Maintenance & Capital - | \$162.00/quarter |
| Keuka Park Sewer District #2: | |
| Operation/Maintenance - | \$162.00/quarter |
| Grinder Pump - | 29.00/quarter |
| Capital - | 148.00/quarter |
| Keuka Park Sewer District #3: | |
| Operation/Maintenance - | \$162.00/quarter |
| Out of District Rate - | 25% Surcharge on Usage and Capital rates |
| <i>Sewer charges will commence first billing cycle after issuance of building and/or connection permit.</i> | |

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| Quarterly billing dates; |
| Account numbers beginning in 1 and 4; First day of months; January, April, July and October. |
| Account numbers beginning in 2, 3 & 5; First day of months; February, May, August and November. |
| Account # beginning with 6; First day of months; March, June, September and December. |

2021 KEUKA PARK SEWER & WATER DEPARTMENT FEE SCHEDULE
PRELIMINARY

| WATER: | FEE: |
|--------------------------------|---|
| Application Fee | \$350.00 |
| **Impact Fee | \$206.81 Multiplied by number of EDU's |
| Turn On/Off | First on/off per year-NC; subsequent on/off \$25.00 |
| Meter (new and/or replacement) | \$212.00 for 5/8"; Meters larger than 5/8" billed at cost |
| *Hourly Rate | \$ 36.00 per hour |
| *After Hour Call in Rate | \$108.00 per hour |
| *Parts | Cost |

| SEWER: | FEE: |
|---------------------------|---|
| Application Fee | \$350.00 |
| ** Impact Fee Districts; | |
| Original, Ext. 1 & 3 | \$ 0.00 |
| ** Impact Fee District 2: | \$592.00 |
| Turn On/Off | First on/off per year-NC; subsequent on/off \$25.00 |
| *Hourly Rate | \$ 36.00 per hour |
| *After Hour Call in Rate | \$108.00 per hour |
| *Parts | Cost |

| | |
|--------------|--|
| Return Check | \$ 20.00 per returned check |
| Relevy Fee | \$ 50.00 per account (minimum relevy amount \$50.00) |

*Fees would only apply to repairs made due to customer negligence or request. Hourly rate will only apply if outside the normal working hours and will be in addition to the after-hour call in fee.

**Impact fee will apply to vacant property or property that is split from a parcel of land that is permitted to connect to water and/or sewer and currently does not pay capital charge. It will not apply to those properties that have paid the lump sum payment for either water or sewer capital. Fee will be equal to the current capital charge for that district multiplied by the number of EDU's. They will also be charging an application fee in addition to the impact fee. Capital charges for water commence when building permit is issued or when water meter has been installed and inspected. Sewer charges commence when sewer connection is approved by KPSW personnel.

***Water and Sewer permits are valid for 90 days. Permits may be renewed one time for a total of 180 days for no additional charge. After 180 days, the original permit will become void, and the applicant will need to re-apply for water and/or sewer connection permit and pay an additional application fee of \$350.00.