

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 19, 2020 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Martin, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Tim Cutler.

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

RESOLUTION #34-20

CHANGES TO THE AGENDA

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

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

Resolved Schedule Public Hearing be changed to "Authorize Expenditure from Highway Capital Reserve Fund - 2020 International Plow Truck" and "Authorize Highway Training - Dig Safely Seminar" be added to the agenda.

RESOLUTION #35-20

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the January 15, 2020 meeting be approved as read.

RESOLUTION #36-20

AUDIT OF CLAIMS

On a motion of Councilor Jones, seconded by Councilor Stewart, 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:

General:	\$19,928.47
Outside Village	\$ 799.98
Highway DB:	\$23,254.12
Sewer:	\$68,573.22
Water:	\$ 8,224.86
Branchport Light	\$ 121.52

January Utilities:

General:	\$ 1,456.43
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Outside Village:	\$	71.73
Sewer:	\$	214.76
Water:	\$	569.13
Trust:	\$	44,061.86

RESOLUTION #37-20
SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Stewart, 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 January 2020 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW A-2020 TAX CAP OVERRIDE

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:03 P.M., asking for comments on the proposed Local Law A-2020 Tax Cap Override.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The Gradall has been repaired.

WATER/SEWER REPORT

- The paint was selected for the water tank rehab project awarded last month. The color will remain the same.
- A small leak identified on Cedar Street will be repaired as part of the water capital project spring restoration.
- Water Operator/Wastewater Maintainers Christensen and Donovan attended the Seneca-Keuka Lake Watershed Water Pollution Prevention Workshop on January 30th. The program was free of charge and participants received four hours of training credit.

ASSESSOR

- Report on file.

COUNCIL

- Councilor Stewart reported the Annual Accounting of the Justice books for 2019 was conducted on January 23, 2020 by the Town Justice Subcommittee.
- Bill Pinckney was wished all the best in his retirement as he sold Branchport Hardware. Mr. Pickney has served on our Board of Assessment Review for many years.

SUPERVISOR

- Supervisor Sisson is working with Cardinal Disposal to expand their weekend garbage service to Jerusalem. Cardinal is currently accepting trash in Benton and Potter on Saturdays for a nominal fee.
- Supervisor Sisson met with the Finger Lake Museum to discuss their future endeavors which include the Museum's need for sewer in Branchport. Tress will be planted on land they were gifted along Sugar Creek to the Isaac Walton League.
- Traffic control signs for Wager, Merritt, Esperanza, Yoder and Sand Hill Roads have been ordered.

RESOLUTION #38-20

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A-2020 TAX CAP OVERRIDE

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

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

With all persons desiring to be heard, Supervisor Sisson closed the hearing on proposed Local Law A-2020 Tax Cap Override at 7:17 P.M.

The regular meeting was reconvened.

RESOLUTION #39-20

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 2 OF 2020

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

ADOPTED BY ROLL CALL VOTE:

Councilor Martin	Aye
Councilor Stewart	Aye
Supervisor Sisson	Aye
Councilor Jones	Aye
Councilor Castner	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 19, 2020, at 7:00 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 January 29, 2020, 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 19, 2020, at 7:03 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 2020, 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 #40-20

AUTHORIZE EXPENDITURE FROM HIGHWAY CAPITAL RESERVE FUND TO PURCHASE 2020 INTERNATIONAL PLOW TRUCK

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

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

Whereas, Resolution #240-19 approved the transfer of \$120,531 from the 2019 Highway DB budget into the Highway Machine Reserve to capitalize on the anticipated purchase of a Class 6 Plow Truck in 2020; and

Whereas, Highway Superintendent Hurd monitors funds available within the Highway Machine Reserve for the acquisition of equipment and anticipates such purchase to be more than the amount set aside; and

Whereas, Superintendent Hurd desires to order the Class 6 Plow Truck within the next three months on the Onondaga County Statewide Contract; now, therefore, be it

Resolved the Town Board of the Town of Jerusalem does hereby resolve, pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York, that the Town Supervisor of the Town of Jerusalem be and he hereby is authorized and directed

to transfer from the Town of Jerusalem Highway Capital Reserve Fund, duly established on October 13, 2004, to the Highway DB Fund and applied to the Highway Department contractual expense item, Item No. DB 5130.2, an amount not-to-exceed \$140,000 and amend the Highway DB budget to reflect the actual purchase.

This resolution shall be subject to a permissive referendum, as required by law.

RESOLUTION #41-20

DECLARE SURPLUS EQUIPMENT - NEW HOLLAND BACKHOE & FORD TRACTOR

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

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

Resolved that the 1999 555E New Holland Backhoe and 1988 4610 Ford Tractor be declared as surplus equipment, and the Highway Superintendent be authorized to advertise the sale of said equipment; and be it further

Resolved that the proceeds from this sale will be deposited into the Highway Machinery Capital Reserve.

The three buckets will be put on a separate bid.

RESOLUTION #42-20

E-ONE GRINDER PUMP SERVICE TRAINING:

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

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

Whereas; Environment One Corporation (E-One) is hosting a factory service training, April 7, 2020 to April 9,2020. The training will be at 2773 Balltown Road, Niskayuna, NY.

Whereas; Environment One Corporation (E-One) is our sole source vendor for grinder pumps. KPSW are servicing E-One grinder pump in house.

Whereas; Water Operator, Bradley Donovan will be attending. Total cost for the service training is not to exceed \$400.00, which were approved in the 2020 budget for instruction and training expenses.

Therefore, be it resolved to authorize attendance for Bradley Donovan, from the Sewer & Water Department, to attend the E-One factory service training. This expense to be funded from 8189.4.

RESOLUTION #43-20

EDU SCHEDULE GUIDELINE AMENDED FOR 2020:

On a motion of Councilor Jones, seconded by Councilor Stewart, 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 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, Equivalent Dwelling Units (EDU - Water capital units) are assessed on each individual property, regardless of common owner; now, therefore, be amended as follows;

WINERY/BREWERY/DISTILLERY:

- ~~1 EDU FOR LESS THAN 50 PERSON OCCUPANCY~~
- ~~2 EDU FOR 50 - 75 PERSON OCCUPANCY~~
- ~~3 EDU FOR MORE THAN 75 OCCUPANCY~~

- 3 EDU'S FOR LESS THAN 50 PERSON SEATING CAPACITY
 - 4 EDU'S FOR OVER 50 PERSON SEATING CAPACITY
- (OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

RESOLVED that the proposed Amended Equivalent Dwelling Unit (EDU) Schedule Guideline 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, 2020 and continue in effect thereafter until further resolution of this Board.

RESOLUTION #44-20

APPOINTMENT - BOARD OF ASSESSMENT REVIEW - JIM BIRD

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

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

Resolved that Jim Bird be appointed to the Board of Assessment Review to fill the unexpired term of Llarilyn Buckingham through September 20, 2021.

RESOLUTION #45-20

HIGH-TOR GRAVEL BIKE RACE - PERMISSION TO USE TOWN ROADS

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

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

Resolved the 2020 Hills of High-Tor Gravel Grinder event be granted permission to use Town roads for their May 2020 bike race contingent upon receipt of their insurance certificate naming the Town of Jerusalem as an additional insured.

RESOLUTION #46-20

HIGHWAY DB BUDGET AMENDMENT - TONY HURD SICK TIME

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

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

Whereas Tony Hurd assumed the elected Highway Superintendent position as of January 1, 2020; and

Whereas Tony Hurd is entitled to compensation of unused sick leave in accordance with Local Law #2-2012 and Resolution #130-12; and

Whereas the Town Board established the Post Employment Reserve Fund for the compensation of unused sick leave and needs to transfer funds out of the Post Employment Reserve into the Highway DB fund to cover this expense; now, therefore, be it

Resolved the Town Boards amend the 2020 Highway DB budget as follows:

Increase revenue 5031 (interfund transfer)	\$15,117.00
Increase expenditure DB5142.1	\$14,043.00
Increase expenditure DB9030.8	\$ 1,074.00

RESOLUTION #47-20

AUTHORIZE HIGHWAY TRAINING - DIG SAFETY SEMINAR

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

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

Resolved up to eight Highway employees be authorized to attend the Dig Safely seminar in Rochester, NY on March 17, 2020 at no cost.

PUBLIC COMMENT

- Yates County Treasurer Nonie Flynn has been appointed County Administrator.
- Cornell Cooperative Extension has submitted a grant to update the Farmland Protection Plan.

With there being no further business, on a motion of Councilor Jones, seconded by Supervisor Sisson, the meeting was adjourned at 7:35 P.M.

Sheila McMichael, Town Clerk

Local Law No. 2 of the year 2020

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 2021 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 2021 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.