

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 21, 2021 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Jones, Lent, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

Excused: Councilor Castner

GUESTS: Sarah Purdy, Tim Cutler, Doug Paddock

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

RESOLUTION #61-21

APPROVAL OF MINUTES

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Resolved that the minutes of the March 17, 2021 meeting be approved as read.

RESOLUTION #62-21

AUDIT OF CLAIMS

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

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

| | |
|-----------------|--------------|
| General: | \$ 62,624.12 |
| Outside Village | \$ 1,791.83 |
| Highway DB: | \$ 81,101.33 |
| Sewer: | \$ 52,981.58 |
| Water: | \$110,198.55 |
| Trust: | \$ 3,060.00 |

March Utilities:

| | |
|------------------|-------------|
| General: | \$ 1,002.11 |
| Outside Village: | \$ 70.87 |
| Sewer: | \$ 472.68 |
| Water: | \$ 701.53 |
| B'port Light: | \$ 258.90 |
| Trust: | \$24,519.18 |

RESOLUTION #63-21

SUPERVISOR REPORT

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of March 2021 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Town Clerk Office.
- Spring clean-up and scheduled roadwork is underway.
- CHIPS, PAVENY and Extreme Winter Recovery program funds were increased in the adopted State budget.

COUNCIL

- Establishing a committee to review the 54A Scenic Corridor overlay district zoning regulations as it relates to the denial of the Mahlon Esh of Keystone Custom Decks, Route 54A Special Use Permit will be considered following the outcome of the May 12, 2021 Zoning Board. A request to revisit this application is on the agenda.
- We continue to work on details of Clean Up Day on June 19th.

SUPERVISOR

- The recent webinar on zoning for marijuana dispensaries was informative and the Board was encouraged to view these monthly webinars.
- A meeting to discuss private roads is scheduled with CEO DeVoe next week.
- We are fielding phones calls and emails related to the Assessor vacancy and upcoming Grievance Day.
- The Assessing Committee held an introductory meeting with Terry Kwiecinski who is working part-time to prepare us for Grievance Day. Ms. Kwiecinski and Supervisor Sisson will sit with Tentative Roll in May.

RESOLUTION #64-21

RATIFY TEAMSTER'S CONTRACT

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Resolved that the Town Board hereby ratifies and approves the collective bargaining agreement between the Town of Jerusalem and Teamsters Local 118, International Brotherhood of Teamsters; and, be it further

Resolved that, following signature by the Teamster's Business Agent and Steward, the Supervisor is hereby directed to sign the Collective Bargaining Agreement effective January 1, 2021-December 31, 2023.

RESOLUTION #65-21

ADOPTION OF LOCAL LAW NO. 1 OF 2021 ZBA NOTICE AMENDMENT

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

ADOPTED BY ROLL CALL VOTE

| | |
|-------------------|-----|
| Supervisor Sisson | Aye |
| Councilor Lent | Aye |
| Councilor Stewart | 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 December 16, 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 entitled, "A Local Law Amending the Town of Jerusalem Zoning Ordinance" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on December 2, 2020 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 16, 2020, at 7:02 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, 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 adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; 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 2021, entitled "A Local Law Amending the Town of Jerusalem Zoning Ordinance", 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 Town Local Law Book, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

RESOLUTION #66-21

HIGHWAY DB BUDGET AMENDMENT - JOHN DEERE UTILITY TRACTOR

On a motion of, seconded by, the following was

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Whereas, Resolution #102-20 authorized expenditure from Highway Capital Reserve Fund to purchase a John Deere Utility Tractor; and

Whereas, said tractor was delivered to the highway department; and

Whereas, Highway Superintendent Hurd authorized the invoice for payment; now, therefore, be it

RESOLVED that the Highway DB budget be amended to reflect transfer of funds out of the Highway Capital Reserve for purchase as follows

| | |
|---------------------------------------|--------------|
| Increase DB 5130.2 (Machinery) | \$ 62,742.00 |
| Increase DB 5031 (Interfund Transfer) | \$ 62,742.00 |

RESOLUTION #67-21

AUTHORIZE TOWN TO NEGOTIATE AN AGREEMENT FOR ASSESSMENT SERVICES

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Whereas the Town of Jerusalem is an assessing unit in Yates County; and

Whereas Yates County Resolution No. 161-21 authorized negotiating an agreement for assessing services per RPTL 1537 with any Town; now, therefore, be it

Resolved that, upon approval of the Attorney for the Town, the Supervisor be authorized to negotiate such an agreement with Yates County for more efficient assessment administration in accordance with RPTL 1537; and, be it further

Resolved, that this Resolution is subject to a permissive referendum and that the Town Clerk shall publish a notice thereof; and, be it further

Resolved, that copies of this resolutions be provided to the County Administrator, the County Real Property Tax Services Director and the Clerk of the Legislature.

RESOLUTION #68-21

APPROVE NYSEG HIGHWAY PERMIT - STEFKOVICH, EAST BLUFF DRIVE

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Resolved the NYSEG Highway Permit to excavate two 4'X4' openings and to punch East Bluff Drive for the purpose of installing a new ½" MP-Poly gas service that will serve one new residential customer, Michael Stefkovich be approved as outlined in NYSEG Work Order #801000378301.

RESOLUTION #69-21

BOYLAN CODE ATTORNEYS AT LAW ENGAGEMENT LETTER - LICCIARDELLO LITIGATION

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

ADOPTED Ayes 4 Jones, Lent, Sisson, Stewart
 Nays 0

Resolved the Supervisor be authorized to execute the Engagement Letter with Boylan Code Attorneys at Law to represent the Town with regard to pending litigation involving Angelo Licciardello and property located at 8242 East Bluff Drive.

PUBLIC COMMENT

- Starry stonewart will be harvested again this year.
- County Legislative report:
 - Public Health vaccination clinics are not being fully utilized.
 - The County-wide water feasibility study is complete.
 - Amy Miller was reappointed as Social Services Commissioner.
 - The broadband project is proceeding.
 - 2021 National Crime Victims Week was recognized.
 - The East Sherman Hollow bridge will be replaced this year.
 - Ryan Bailey, EMS Coordinator started on April 5th, working in both Schuyler and Yates Counties.

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- The Household Hazardous Waste Day will be held in August.
- West Lake Road, Penn Yan will be paved this summer.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Jones, the meeting was adjourned at 8: 15 P.M.

Sheila McMichael, Town Clerk

Local Law No. 1 of the year 2021

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.