

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 15, 2021 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Bill Gerhardt, Jim Bird, Tim Cutler, Sarah Purdy

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

RESOLUTION #125-21

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the August 18, 2021 meeting be approved as read.

RESOLUTION #126-21

AUDIT OF CLAIMS

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

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

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

General:	\$11,016.37
Outside Village	\$ 1,244.56
Highway DB:	\$20,349.50
Capital:	\$ 4,508.00
Sewer:	\$48,888.08
Water:	\$35,516.40
Branchport Light	\$ 158.78

August Utilities:

General:	\$3,173.71
Outside Village:	\$ 70.65
Sewer:	\$ 112.34
Water:	\$ 389.31
Highway DB:	\$2,500.00

RESOLUTION #127-21

SUPERVISOR REPORT

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

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

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

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Work continues on wash out areas from the August flood. Jim Bird thanked the Highway Department for the phenomenal job they do.
- Flood damage estimates are being gathered to determine the availability of FEMA monies to support our county's recovery efforts.
- The crossover pipe replacement project on Italy Friend Road will be put out for bid.

RESOLUTION #128-21

PUBLIC HEARING - PROPOSED LOCAL LAW B OF 2021 - TAX CAP OVERRIDE

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

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

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:07 P.M., asking for comments on the proposed tax cap override local law.

No one from the public wished to comment.

WATER/SEWER REPORT

- The Water/Sewer Department also dealt with flood related issues all that night and the next day.
- Councilor Stewart provided an update on the grinder pump inventory and repairs. Three Liberty pumps will be delivered next week.
- Crispin Hill submitted revised plans for their water and sewer connections.

ASSESSOR

- Small Claim Assessment Review (SCAR) hearings are underway.

RESOLUTION #129-21

PUBLIC HEARING - PROPOSED LOCAL LAW C OF 2021 - CANNABIS OPT-OUT

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

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

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:12 P.M., asking for comments on the proposed local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Article 4 of the Cannabis Law.

No one from the public wished to comment.

COUNCIL

- Clean-Up Day expenses were under the \$10,000 budget at \$7,808.73.
- Councilor Stewart thanked Greg MacDonald, Gary Cronk and the rest of the crew for the lighting of the USA field. Supervisor Sisson will follow up on a suggestion from Bill Burg to make the USA field tax-exempt and designate it a historical site.

SUPERVISOR

- The Bonadio & Co. Engagement Letter for the year ending December 31, 2021 audit will be on the October agenda.
- The September 11th Finger Lakes Museum Open House was well attended.
- The 1st edition of the Jerusalem Journal newsletter is available.
- Public Hearing on the Seneca-Keuka Watershed Nine Element Plan is at 10:00 A.M. on October 7th at the County Building
- Bonadio & Co. will assist us with the ARPA fund reporting requirements.

RESOLUTION #130-21

2021 BUDGET AMENDMENT - INDIAN PINES SPEED SIGNS

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

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

Whereas, Resolution #141-20 approved speed limit signs within Indian Pines; and

Whereas, this project was not included in the 2021 budget; and

Whereas, due to the purchase of signs, posts and items needed to install such, code 3310.4 (traffic control) is over expended; now, therefore, be it

RESOLVED that the General A 2021 budget be amended as follows

Increase 3310.4 (Traffic Control)	\$2,000.00
Decrease 1990.4 (Contingent)	\$2,000.00

RESOLUTION #131-21

DOT ROAD INVENTORY

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

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

BE IT HEREBY RESOLVED by the Town of Jerusalem is confirming the below listed Town Road(s) are under the jurisdiction of the Town of Jerusalem and acknowledges that the Town of Jerusalem maintains these Road(s) for all necessary repairs and capital maintenance, that the Town of Jerusalem accepts all legal responsibility for these road(s) which includes liability in case of lawsuits, and that the roadway is fully open to the public at all times (excepting construction and short term weather-related issues).

- Parker Road from Belknap Hill Road to CR32 for a total distance of 0.79 miles as oil and stoned.
- Prosser Road from Stever Hill to Pulteney Town line for a total distance of 0.90 miles as oil and stoned.

RESOLUTION #132-21

FINGER LAKES WATER WORKS 2021 SEPTEMBER MEETING

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

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

Whereas; Finger Lakes Water Works Conference is hosting the 2021 September meeting at King's Catering, 4031 Rtes. 5 & 20, Canandaigua, NY;

Whereas; the cost for a pre-paid, pre-registered 2021 Conference Member is \$33.00/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; instruction, training expenses and membership dues were approved in the 2021 budget; now,

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 Annual Business Meeting at a cost of \$33.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

RESOLUTION #133-21

EPA REGION 2 FREE VIRTUAL COMMUNITY WATER SYSTEM EMERGENCY RESPONSE PLAN WORKSHOP

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

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

Whereas: The United States Environmental Protection Agency (EPA) and the EPA Region 2 are hosting a free one-day virtual workshop to assist community drinking water systems in New York.

Whereas: There is no cost for participation to the workshop. Applications will receive 2 water operator renewal training hours; now,

Therefore, be it resolved to authorize attendance for 2 persons from the Sewer and Water Department to attend the virtual workshop, Tuesday, September 21, 2021 - 8:30 am to 3:30 pm.

RESOLUTION #134-21

AUTHORIZING SCHEDULING OF PUBLIC HEARING TO CONSIDER PROPOSED IMPROVEMENTS TO THE KEUKA PARK CONSOLIDATED WATER DISTRICT

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

ADOPTED Ayes 5 Castner, Jones, Lent, 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 proposed improvements to the Keuka Park Consolidated Water District ("KPCWD") pursuant to Town Law Section 202-b; and

WHEREAS, the Town Engineer has prepared a map and plan showing the proposed improvements consisting of the replacement of approximately 3,000 linear feet of existing 6- and 8-inch water main that is in poor condition and subject to frequent breaks. New fire hydrants,

main line valves, water service lines, and curb stops will also be installed as part of the project. Additional main and valves will be added to improve operator control and system redundancy to help minimize service interruptions.

WHEREAS, the plan shows the estimated costs of these improvements to be \$605,000.00, such estimated costs to be the responsibility of the KPCWD. All of this \$605,000.00 is to be financed and repaid by the owners of property within the KPCWD, unless the Town is able to secure grants to offset any part of this cost.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to be held on October 20, 2021, 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, directed 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 "1", such notice to be published not less than ten nor more than twenty days before the day set herein for the public hearing; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Jerusalem sign board, not less than ten nor more than twenty days before the day set herein for the public hearing and to give any other notices required by law.

CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17 - 23

WHEREAS, Our Founding Fathers, in order to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and

WHEREAS, It is the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies, and

WHEREAS, The anniversary of the signing of the Constitution provides an historic opportunity for all Americans to remember the achievements of the Framers of the Constitution and the rights, privileges and responsibilities they afforded us in this unique document, and

WHEREAS, The independence guaranteed to American citizens, whether by birth or naturalization, should be celebrated by appropriate

ceremonies and activities during Constitution Week, September 17 through 23, as designated by proclamation of the President of the United States of America in accordance with Public Law 915, now

THEREFORE, I, Jamie Sisson, by virtue of the authority vested in me as Jerusalem Supervisor, County of Yates, State of New York do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

In the Town of Jerusalem, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of the American Citizens.

RESOLUTION #135-21

APPOINTMENT BOARD OF ASSESSMENT REVIEW - JAMES BIRD

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

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

Resolved that James Bird be appointed to the Board of Assessment Review for a five-term October 1, 2021 - September 30, 2026.

PRESENT TENTATIVE 2022 TENTATIVE TOWN, WATER & SEWER BUDGETS

Town Clerk McMichael delivered the 2022 Tentative Town, Water and Sewer Budgets to the Town Board.

RESOLUTION #136-21

SCHEDULE 2022 BUDGET WORKSHOP

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

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

Resolved a budget workshop be scheduled for Monday, September 20, 2021 at 5:00 P.M.

RESOLUTION #137-21

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2021 - TAX CAP OVERRIDE

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

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

With all persons desiring to be heard, Supervisor Sisson closed the hearing at 7:41 P.M.

The regular meeting was reconvened.

RESOLUTION #138-21

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2021 TAX CAP OVERRIDE

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

ADOPTED BY ROLL CALL VOTE:

Councilor Castner	Aye
Supervisor Sisson	Aye
Councilor Lent	Aye
Councilor Jones	Aye
Councilor Stewart	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 September 15, 2021, 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 September 1, 2021, 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 September 15, 2021, at 7:07 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 2021, 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.

DISCUSSION

PROPOSED LOCAL LAW C-2021 - CANNABIS OPT-OUT

Supervisor Sisson commented on the potential tax revenues if the Town opts-in, noting there has been a split decision among the towns in Yates County so far.

RESOLUTION #139-21

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW C-2021 - CANNABIS OPT-OUT

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

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

With all persons desiring to be heard, Supervisor Sisson closed the hearing at 7:43 P.M.

The regular meeting was reconvened.

RESOLUTION #140-21

AUTHORIZING ADOPTION OF LOCAL LAW NO. 3 OF 2021 CANNABIS OPT-OUT

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

ADOPTED BY ROLL CALL VOTE:

Councilor Lent	Aye
Councilor Stewart	Aye
Councilor Jones	Aye
Supervisor Sisson	Nay
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 September 15, 2021, at 7:10 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Article 4 of the Cannabis Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on September 1, 2021, 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 September 15, 2021, at 7:12 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, this action by the Town Board is a "Type II" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (26) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves routine or continuing agency administration and management in that it will enact a law specifically permitted by the New York State Cannabis Law that does not include any new programs or a major reordering of priorities that may affect the environment.

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. 3 of 2021, entitled, "A local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Cannabis Law Article 4", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this local law is subject to a permissive referendum, that the Town Clerk is directed to give notice thereof to the public by publication and posting and that this local law shall not become effective until either forty-five days after its adoption or until approved by the affirmative vote of a majority of the qualified electors of the Town of Jerusalem voting on a proposition for its approval if within forty-five days after its adoption there be filed with the Town Clerk a petition protesting against this local law, signed and authenticated as required by New York State law by qualified electors of the Town of Jerusalem, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in the Town of Jerusalem; and be it further

RESOLVED, that, should this law become effective, the Town Clerk be and she hereby is directed to enter said Local Law 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.

PUBLIC COMMENT

- A joint meeting of the Planning, Zoning and Town Boards was discussed following comments from Zoning Board member Jim Bird regarding issues with our 54A Scenic Corridor regulations. It was noted prior practice has been to establish a subcommittee to review and propose amendments.
- The Yates County report included an update on broadband, County Planner resignation, masks are mandated in County buildings due to the substantial/high COVID levels and the proposed local law banning weapons in County buildings was defeated.

RESOLUTION #141-21

EXECUTIVE SESSION - EMPLOYMENT HISTORY OF A PARTICULAR PERSON

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of a particular person.

The Executive Session convened at 8:20 P.M.

RESOLUTION #142-21

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:31 P.M.

RESOLUTION #143-21

COURT CLERK PRE-EMPLOYMENT PHYSICAL

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

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

Whereas the Town of Jerusalem is a participant in Yates County's worker's compensation self-insurance plan; and

Whereas the Town has been put on notice by the Yates County Attorney that failure to comply with the plan's pre-employment physical requirement could result in not only a fine, but the County can also expel the Town as a participant in the workers' compensation plan; and

Whereas any municipal employee who is under the jurisdiction of the Yates County Personnel Officer that does not obtain the pre-employment physical will not be considered/approved for employment by the Yates County Personnel Officer who may take appropriate legal steps to remedy the situation pursuant to New York State Civil Service laws, rules and/or regulations; and

Whereas Judge Whitford has been informed and copied with said correspondence; now, therefore, be it

Resolved to remedy this situation, Supervisor Sisson notify Judge Whitford that the Court Clerk must provide proof of scheduling a pre-employment physical by October 1, 2021 or the employee will be deemed to be employed illegally and terminated by the Town.

RESOLUTION #144-21

EXECUTIVE SESSION - EMPLOYMENT HISTORY OF A PARTICULAR PERSON

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of a particular person.

The Executive Session convened at 8:34 P.M.

RESOLUTION #145-21

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:48 P.M.

RESOLUTION #146-21

HOURLY RATE FOR FULL-TIME DEPUTY CLERK

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

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

Resolved that the full-time Deputy Clerk hourly rate be set at \$19.00.

APPOINTMENT - FULL-TIME DEPUTY CLERK

Town Clerk McMichael appointed Laura Tabatcher to the full-time Deputy Town Clerk position created via Resolution #253-18.

With there being no further business, on a motion of Councilor Stewart, seconded by Councilor Lent, the meeting was adjourned at 8:49 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

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 20th day of October, 2021, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to consider proposed improvements to the Keuka Park Consolidated Water District pursuant to Section 202-b of the New York State Town Law.

The proposed improvements consist of the replacement of approximately 3,000 linear feet of existing 6- and 8-inch water main that is in poor condition and subject to frequent breaks. New fire hydrants, main line valves, water service lines, and curb stops will also be installed as part of the project. Additional main and valves will be added to improve operator control and system redundancy to help minimize service interruptions.

The cost of the proposed improvements, including engineering and administrative costs, is estimated to be approximately \$605,000.00 with such costs to be the responsibility of the Keuka Park Consolidated Water District. All of this \$605,000.00 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.

Any resident of the Town of Jerusalem shall be entitled to be heard upon this matter at such public hearing. Copies of the proposed map and plan showing these proposed improvements 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
Sheila McMichael, Town Clerk

Local Law No. 2 of the year 2021

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board 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 2022 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 2022 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.

Local Law No. 3 of the year 2021

A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4

Be it enacted by the Town Board as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Article 4 of the Cannabis Law.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Jerusalem hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction and requests the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses contained in Article 4 of the Cannabis Law, within the jurisdiction of the Town of Jerusalem.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted 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, subdivision, 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. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.