

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 16, 2022 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Sam Priem, Tim Cutler, Kathy Swarthout.

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

**CHANGES TO THE AGENDA**

Supervisor Sisson added a resolution authorizing training for the Code Enforcement Officer.

**RESOLUTION #33-22**

**APPROVAL OF MINUTES**

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

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

Resolved that the minutes of the January 19, 2022 meeting be approved as read.

**RESOLUTION #34-22**

**AUDIT OF CLAIMS**

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

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

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

General:                   \$19,213.35  
Outside Village       \$    685.31  
Highway DB:               \$63,467.55  
Sewer:                     \$71,366.15  
Water:                     \$ 5,045.78  
Branchport Light       \$ 1,111.15  
Water Capital:            \$ 3,234.00

January Utilities:

General:                   \$ 2,897.31  
Outside Village:       \$     31.25  
Sewer:                     \$    489.67  
Water:                     \$ 1,057.93  
Trust:                     \$22,558.53

RESOLUTION #35-22  
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of January 2022 be accepted as presented.

OPEN PUBLIC HEARING - LOCAL LAW A-2022 CHAPTER 152. WATER AMENDMENT

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 amendments to Chapter 152. Water.

No one from the public wished to comment.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Larson Design Group submitted their engineering evaluation of the East Bluff Drive road failure.
- Work with FEMA consultant, Meridian Strategic Services, Inc. is underway. A site visit is scheduled for February 18<sup>th</sup>. Three projects will be submitted to FEMA; the Italy Friend Road crossover pipe project, East Bluff Drive road failure and 40 various road washouts that will be submitted as one project.

WATER/SEWER REPORT

- Councilor Lent reported Larson Design Group updated the Committee on the Water Rehab Phase 2 capital project. We will advertise for bids in March with construction beginning in May 2022.
- The purchase of five Liberty grinder pumps was approved as the E-One pumps are not holding up in some areas of the sewer district.

ASSESSOR

- Report on file. Supervisor Sisson will follow up on the anticipated vacancies noted on the Board of Assessment Review.

COUNCIL

Councilor Purdy continues to participate in available training to familiarize herself with Town matters.

SUPERVISOR

- Supervisor Sisson received numerous calls related to the East Bluff Drive road failure.

- Lights in the Town Office parking lot have been replaced. Proctor Roofing will be adding ice bars to the roof to address leaks related to ice buildup.
- Attorney Dan Spitzer was asked by the Town Board to attend the February Zoning Board meeting. Attorney Spitzer will be presenting a joint training session for the Zoning, Planning and Town Boards in the coming months.

RESOLUTION #36-22

CLOSE PUBLIC HEARING - LOCAL LAW A-2022 CHAPTER 152. WATER AMENDMENT

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

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

With all persons desiring to be heard, the hearing on an amendment to Chapter 152 Water was closed 7:18 P.M.

The regular meeting was reconvened.

RESOLUTION #37-22

ADOPT LOCAL LAW NO. 1 OF 2022 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 152 (WATER) OF THE CODE OF THE TOWN OF JERUSALEM"

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

ADOPTED BY ROLL CALL VOTE:

Councilor Lent           Aye  
Supervisor Sisson       Aye  
Councilor Jones         Aye  
Councilor Purdy         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 16, 2022, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on February 2, 2022 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 16, 2022, 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. 1 of 2022, entitled "A Local Law to Amend Chapter 152 (Water) of the Code of the Town of Jerusalem", 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.

Local Law No. 1 of the year 2022  
A Local Law to Amend Chapter 152 (Water)

Be it enacted by the Town Board Town of Jerusalem as follows:

Section 1. Purpose - The New York State Department of Health conducted their Water System Field Compliance Review and identified the need for the Town of Jerusalem to amend Chapter 152 (Water) to further define the responsibility of water users in violation of the New York Sanitary Code.

Section 2. Section 152-23 (Penalties for offenses) of Chapter 152 (Water) of the Code of the Town of Jerusalem is hereby repealed and a new Section 152-23 is inserted in its place to read as follows:

Section 152-23 Penalties for Offenses

A. The Town may discontinue water service to any premises if, in the sole determination of the head of the Town Water Department, any violation of this Chapter exists. Water service will not be restored until said violation(s) are corrected to the sole satisfaction of the Town Water Superintendent.

B. A violation of this article shall constitute a violation as defined in the Penal Law of the State of New York and shall be punishable by a fine of not exceeding \$250.

C. The Town reserves the right to enforce this article by a court injunction.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect upon both the filing with the Secretary of State.

RESOLUTION #38-22

284 AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEY

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

ADOPTED	Ayes	5	Castner, Jones, Lent, Purdy, Sisson
	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.

RESOLUTION #39-22

INTRODUCE AND SCHEDULE PUBLIC HEARING - LL B-2022 TAX CAP OVERRIDE

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

ADOPTED	Ayes	5	Castner, Jones, Lent, Purdy, Sisson
	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 to override the tax levy limit established in General Municipal Law §3-c; 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 March 16, 2022, 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 newspapers 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.

KEUKA PARK WATER CAPITAL PROJECT REHAB PHASE 2

A resolution authorizing the Supervisor to award the Water Rehab capital Project bid placed on the agenda is not necessary as this was approved via Resolution #161-21.

RESOLUTION #40-22

ESTABLISH CRISPIN HILL SEWER UNITS

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

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

Whereas Resolution #37-21 authorized Crispin Hill, 2732 Wager Hill Road to connect to the Town's sewer as an out-of-district customer; and

Whereas the Town Code requires the Town Board to determine commercial sewer units for billing based on a reasonable projection of water use in accordance with §131.26; and

Whereas Crispin Hill has no history of water usage; now therefore be it

Resolved the estimated water usage be established at 21.25 units per quarter based on 2330 GPD water consumption submitted by Crispin Hill's engineer on the NYSDEC Application Form BSP-5.

RESOLUTION #41-22

RESCIND BIOXIDE SOLE SOURCE RESOLUTION #25-22

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

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

Resolved Resolution #25-22 Sole Source Determination - Bioxide Pump

System and Tank be rescinded.

RESOLUTION #42-22

ADOPT 2022 EDU SCHEDULE

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

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

Resolved the 2022 Water EDU Schedule be adopted. (attached)

RESOLUTION #43-22

AUTHORIZE SUPERVISOR TO EXECUTE CODE ENFORCEMENT INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF PENN YAN

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

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

Resolved the Supervisor be authorized to execute an Intermunicipal Agreement with the Village of Penn Yan for code enforcement activities.

RESOLUTION #44-22

PLANNING BOARD APPOINTMENT

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

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

Resolved Sam Priem be appointed to fill the unexpired term of Donna Gridley on the Planning Board through December 31, 2026.

RESOLUTION #45-22

AUTHORIZE CEO ATTEND FINGER LAKES BUILDING OFFICIALS ASSOCIATION (FLBOA) TRAINING

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

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

Resolved the Code Enforcement Officer be authorized to attend the Finger Lakes Building Officials Association 2022 annual training conference to be held March 14-16, 2022 at the RIT Inn & Conference Center, West Henrietta at a cost of \$390 registration, \$338 lodging plus meals to be funded from 8010.4.

PUBLIC COMMENT:

Kathy Swarhout presented concerns with closing the section of East Bluff Drive where the road failure occurred as it limits access for public and emergency vehicles and requested seasonal roads be plowed in the interim. Supervisor Sisson asked that she refer any speeding vehicle matters to the Yates County Sheriff.

COUNTY REPORT:

- The Covid mask mandate was lifted at County buildings.
- County Law requires resident representation be reviewed after each decennial census. Any comments on the County Ad Hoc Reapportionment/Redistricting Committee report recommending that weighted voting be undertaken by the Yates County legislature are due to the Clerk of the Legislature by Friday, March 4, 2022.
- The broadband project, Public Safety Communications and Highway/Public Health Building projects are moving ahead.
- Another USDA grant application will be submitted by 2/22/2022.

With there being no further business, the meeting was adjourned at 7:58 P.M.

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Sheila McMichael, Town Clerk



Exhibit 1  
Local Law No. B of the year 2022

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 2023 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 2023 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 Board of the Town of Jerusalem on the 16<sup>th</sup> day of March, 2022, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2023 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

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 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

2022 Keuka Park Water District  
Equivalent Dwelling Unit (EDU)  
Schedule Guideline

**EDU'S ARE ASSESSED ON EACH INDIVIDUAL PROPERTY, REGARDLESS OF COMMON OWNER. AN INDIVIDUAL PROPERTY WILL INITIALLY BE ASSESSED BASED ON THE FOLLOWING, BUT THE TOWN BOARD RESERVES THE RIGHT TO ADJUST THIS DETERMINATION BASED ON A GREATER OR LESSER BENEFIT RECEIVED.**

RESIDENTIAL: 1 EDU PER DWELLING UNIT - (SEPARATE LIVING UNIT WITH BATH OR SHOWER, TOILET, AND KITCHEN)

PROPERTY OR BUILDING WITH MORE THAN ONE DWELLING UNIT: I.E. TWO APARTMENTS IN ONE BUILDING = 2 EDU'S

MUNICIPAL BUILDINGS/FIRE HALL: 2 EDU

SCHOOL: 2 EDU'S PER CLASSROOM

CHURCH OR PARSONAGE: 1 EDU

COMMERCIAL PROPERTIES:

RESTAURANT:

3 EDU'S FOR LESS THAN 50 PERSON CAPACITY

4 EDU'S FOR OVER 50 PERSON CAPACITY

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

STORE W/SNACK – BAR: 3 EDU'S WITH INSIDE SEATING FOR LESS THAN 50 PERSONS

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

RETAIL STORE: 1 EDU

GAS STATION/AUTOMOTIVE SERVICE FACILITY: 2 EDU

PROFESSIONAL OFFICE: 1 EDU

BOAT REPAIR/MARINA:

1-EDU FOR THE FIRST 50 SLIPS

1-EDU FOR EACH ADDITIONAL 50 SLIPS OR PART THEREOF

BED & BREAKFAST/MOTEL/SHORT-TERM RENTAL: ¼ EDU (.25) FOR EACH RENTAL ROOM + 1 EDU FOR ANY OWNER-OCCUPIED RESIDENCE

MOBILE HOME PARKS/MOBILE HOMES: 1 EDU FOR EACH MOBILE HOME ON PROPERTY

CAMPGROUND (RV'S TRAVEL, TRAILER, SITE, ETC.): ¼ EDU (.25) EDU FOR EACH APPROVED SITE

WINERY/BREWERY/DISTILLERY:

3 EDU'S FOR LESS THAN 50 PERSON CAPACITY

4 EDU'S FOR OVER 50 PERSON CAPACITY

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

COMMUNITY CENTER:

1 EDU/FOR LESS THAN 25 PERSON OCCUPANCY

2 EDU'S/FOR 25-75 PERSON OCCUPANCY

3 EDU'S/FOR MORE THAN 75 PERSON OCCUPANCY

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

MINI STORAGE/BOAT STORAGE: 1 EDU PER PARCEL

OTHER:

KEUKA LAKE STATE PARK: 30 EDU

CAMP GOOD DAYS: 10 EDU

KEUKA COMMONS AT KEUKA PARK: 20 EDU

KEUKA COLLEGE: 250 MINIMUM OR BASED ON HIGH VOLUME USER 3 YEAR AVERAGE EDU RATE

HIGH VOLUME USER:

HIGH VOLUME USER IS DEFINED AS ANY CUSTOMER REGULARLY USING MORE THAN TEN MILLION GALLONS OF WATER PER YEAR.

HIGH VOLUME USER SHALL BE CHARGED THE GREATER OF (A) 250 UNITS, OR (B) ONE UNIT FOR EACH 40,000 GALLONS OF WATER USED PER YEAR (OR FRACTION THEREOF) ON AVERAGE OVER THE THREE-YEAR PERIOD ENDING WITH THE LAST METER READING PRIOR TO TAXABLE STATUS DATE, PROVIDED THAT THE CHARGE FOR A HIGH VOLUME USER NEWLY JOINING THE DISTRICT SHALL BE DETERMINED BY THE TOWN BOARD BASED ON A REASONABLE PROJECTION OF WATER USE BY SUCH CUSTOMER UNTIL AT LEAST ONE FULL YEAR OF ACTUAL USAGE BY SUCH NEW CUSTOMER SHALL BE RECORDED. AT THE OPTION OF A HIGH-VOLUME USER, ALL OF ITS PROPERTIES MAY BE AGGREGATED IN ONE ACCOUNT FOR THE PURPOSE OF CALCULATING AND COLLECTING THIS CHARGE.

2022 EDU SCHEDULE GUIDLINE