

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 15, 2023 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Lent, Town Clerk McMichael, Highway Superintendent Hurd.

Excused: Councilors Jones and Purdy

GUESTS: Tim Cutler, Paul Enos

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

CHANGES TO THE AGENDA

Authorize Sale of 2009 Subaru Forester was added to the agenda.

RESOLUTION #28-23

APPROVAL OF MINUTES

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

ADOPTED	Ayes	3	Bird, Lent, Sisson
	Nays	0	

Resolved that the minutes of the January 18, 2023 meeting be approved as read.

RESOLUTION #29-23

AUDIT OF CLAIMS

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

ADOPTED	Ayes	3	Bird, Lent, Sisson
	Nays	0	

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

General:	\$15,649.04
Outside Village	\$ 563.78
Highway DB:	\$13,923.49
Sewer:	\$40,434.59
Water:	\$ 9,373.22
Capital:	\$ 1,172.40

January Utilities:

General:	\$ 1,507.79
Highway DB:	\$ 1,134.37
Sewer:	\$ 332.75
Water:	\$ 1,097.69
Trust:	\$47,845.38

RESOLUTION #30-23  
SUPERVISOR REPORT

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays       0

Resolved that the Supervisor's Report on the Town's finances for the month of January 2023 be accepted as presented.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Warm weather has allowed cutting dead trees/brush and stock-piling stone. Ice is expected this weekend as winter returns.
- Fire extinguishers will be serviced on Friday.

WATER/SEWER REPORT

- Councilor Lent emailed a summary of the February 15<sup>th</sup> Water/Sewer Committee meeting.

COUNCIL

- Councilor Bird emailed a summary of the February 2<sup>nd</sup> Assessor Committee and CEO Committee meetings. Utilizing a drone to assist these departments will be further reviewed.
- Zoning Board applicant Gary Smith inquired about a refund on his denied variance application based on conversations indicating it would be approved. No monies will be refunded as Councilor Bird determined there were different versions of the referenced conversation.

SUPERVISOR

- Supervisor Sisson will attend the DOT meeting in the Town of Urbana on March 9<sup>th</sup> regarding upcoming work on Route 54A.
- Our grinder pump cart was lost during a service call on East Bluff Drive.
- Board members received a copy of the County resolution "Encouraging Land Owners To Use Marginal Lands and To Utilize the Advice of the Soil & Water Conservation District Prior to the Sale of Lands or When Signing Leases for Large Scale Solar Arrays". It was noted this has not been an issue in Jerusalem.

Sewer #1 Extension - Ritchey Blvd.

Larson Design Group has surveyors on Ritchey Blvd. to map the proposed Sewer #1 Extension. ARPA monies will be used to fund this project.

RESOLUTION #31-23

Town Justice Annual Accounting

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays        0

Resolved the Annual Accounting of the 2022 Justice books conducted on February 9, 2023 by the Town Justice Subcommittee be accepted; and, be it further

Resolved the Checklist for Review of Justice Court Records be submitted to the Office of Court Administration Internal Audit Services.

Folk Wine, LLC, 2491 Rte. 54A - State Liquor Authority Application  
Folk Wine, LLC New York State Liquor Authority Standardized Notice Form for Providing 30-day Advance Notice to the Town Board received February 2<sup>nd</sup> listed an incorrect address. A revised Notice with the correct address as 2491 Rte. 54a, Suite 1 was submitted February 14<sup>th</sup>.

RESOLUTION #32-23

Authorize Training Credit - Department of State YouTube Recordings

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays        0

Whereas Planning and Zoning Board members are required by state statute to obtain four hours of training a year; and

Whereas the New York Department of State's Local Government Training staff offer training courses that count toward this requirement; and

Whereas YouTube recordings of the actual classes are available, but the Department of State does not offer certificates of attendance for viewing any previously recorded webinar; now, therefore, be it

Resolved the Town Board recognizes YouTube videos "Zoning Board of Appeals Overview", "Planning Board Overview" and "SEQRA and New Regs" as training for Planning and Zoning Board members to receive continuing education credit upon submission of the Training Authorization form (attached) to the Town Clerk.

RESOLUTION #33-23

Highway 284 Agreement

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

ADOPTED       Ayes       3   Bird, Lent, 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 #34-23

Authorize Highway Purchase - Mower Head & Broom

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays        0

Resolved the Highway Superintendent be authorized to purchase a 75" Side Flail Mower Head and 7' M-B Broom through the NYS OGS PC69840 Purchase Contract in an amount not-to-exceed \$25,805.00. Proceeds for this purchase will be taken from the Highway DB5130.2.

RESOLUTION #35-23

Schedule Public Hearing - LL A-2023 Tax Cap Override

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

ADOPTED       Ayes       3   Bird, Lent, 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 15, 2023, 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.

RESOLUTION #36-23

Authorize Assessor Farm Assessment Training

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays        0

Resolved the Assessor be authorized to participate in the Farm Appraisal self-study training program beginning February 27, 2023 and travel to the ORPTS regional office for the March 31, 2023 exam to be funded from 1355.4.

RESOLUTION #37-23

Final 2022 Water Budget Modification

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

ADOPTED       Ayes       3   Bird, Lent, Sisson  
                  Nays        0

Resolved the final 2022 water budget modification be accepted:

From: 1990.4 Contingent   \$3,046.00  
To: 9060.8 Medical         \$3,046.00

RESOLUTION #38-23

Authorize Sale of 2009 Subaru Forester

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

ADOPTED       Ayes 3   Bird, Lent, Sisson  
                  Nays 0

Jerusalem Town Board  
February 15, 2023

Whereas the 2009 Subaru Forester was declared surplus and a request for sealed bids was published in accordance with Resolution #27-23; now, therefore be it

Resolved that the bid be awarded to the sole bidder, Terry Kwiecinski, Branchport, NY in the amount of \$1,500.00.

COUNTY REPORT

Legislator Cutler presented the monthly County report.

With there being no further business, on a motion of Councilor Bird, seconded by Councilor Lent, the meeting was adjourned at 7:32 P.M.

---

Sheila McMichael

Exhibit 1  
Local Law No. A of the year 2023

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 2024 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 2024 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 15th day of March, 2023, 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 2024 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