

Minutes of the regular monthly meeting of the Jerusalem Town Board held on June 19, 2024 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Steve Schmidt, Ed Bronson, Tina Tears, Merry Serio, Bruce W. Churches, Tina L. Churches, Bill Bonhert, Tom Schnorr, Ted Bedell, Joe Miran.

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

RESOLUTION #86-24

CHANGES TO THE AGENDA

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

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

Resolved a resolution to authorize an Independent Audit Request for Proposal be added to the agenda.

RESOLUTION #87-24

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the May 15, 2024 meeting be approved as read.

RESOLUTION #88-24

AUDIT OF CLAIMS

On a motion of, seconded by, the following was

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

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

General:	\$ 17,875.93
Outside Village	\$ 2,254.33
Highway DB:	\$158,000.28
Sewer:	\$ 56,027.24
Water:	\$100,649.04
Branchport Light	\$ 395.89
Larson Design Group	\$ 15,165.00

Kelsey Knaption	\$	45.00
SCT Computers	\$	195.00

May Utilities:

General:	\$	807.70
Outside Village:	\$	630.77
Highway DB:	\$	39.99
Sewer:	\$	163.12
Water:	\$	564.35
Trust:	\$	25,993.85

RESOLUTION #89-24

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of May 2024 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Superintendent Hurd reported they finished up black topping today.
- Oil and Stoning will begin July 8<sup>th</sup>.
- The Highway Department will be closed July 1-5.
- Three employees will be working July 1-5 helping the Town of Barrington.

COUNCIL

- Councilor Lent emailed notes from the June Water/Sewer staff meeting.
- The grant writer proposals are due July 1<sup>st</sup>.
- Councilor Bird reported on the June Zoning Board meeting.
- The Zoning Review Subcommittee proposed amendments have been distributed to Supervisor Sisson, Code Officer McKinley and the Subcommittee members for review.
- There were approximately 80 filings for Grievance Day.
- Councilor Jones thanked Superintendent Hurd, the Highway Department, Water/Sewer employee Joe Matthews and the Town Board.

SUPERVISOR

The Summer Recreation Program will be held July 8 - August 10. The AED now required by the Department of Health has been ordered through the Branchport Keuka Park Fire Department. The walk

through with Department of Health is scheduled for June 28<sup>th</sup>. Legislator Bronson stated the Sheriff Department recently declared AEDs as surplus that may be able to fill our need.

RESOLUTION #90-24

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW TO AMEND CHAPTER 147 (VESSELS, MOORING OF)

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

ADOPTED	Ayes	5	Bird, 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 entitled, "A Local Law to Amend Chapter 147 (Vessels, Mooring of)"; 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,

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 continuing agency administration and management in that it will amend the existing Vessel Mooring Ordinance of the Town of Jerusalem contained in Chapter 147.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 17, 2024, 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 newspaper(s) 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 #91-24

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING - 466 RITCHEY BLVD. ENCROACHMENT LICENSE AGREEMENT

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

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

WHEREAS, Tina L. Tears and Merry A. Serio (the "Owners"), as the owners of real property located at 466 Ritchey Boulevard in the Town of Jerusalem, being tax map parcel number 61.24-1-14, (the "Property"), have submitted a written request dated April 2, 2024 (the "Request") to the Town of Jerusalem, pursuant to §130 7. (f) of the New York State Town Law, requesting authorization to maintain a garage servicing the Property that is encroaching into Ritchey Boulevard, a town highway, by approximately 14.3 feet, according to a Plan of Land prepared by Richard L. Willson dated February 22, 2024 (the "Encroachment"); and

WHEREAS, notice of Owners' Request has been given to the town highway superintendent who has presented his recommendation to the Town Board saying he finds no problem with the Encroachment.

NOW, THEREFORE, BE IT RESOLVED, that the town board hereby determines that the granting of Owners' Request to maintain the Encroachment shall not adversely impact the users of Ritchey Boulevard; and be it further

RESOLVED, that, pursuant to Town Law §130 7. (g), a public hearing on Owners' Request be held on July 17, 2024, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk shall provide notice of such public

hearing as required by law.

RESOLUTION #92-24

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING CHAPTER 118 (PROPERTY MAINTENANCE LAW)

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

ADOPTED	Ayes	5	Bird, 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 Amending Chapter 118 (Property Maintenance Law) of the Code of the Town of Jerusalem; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "3" 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,

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 continuing agency administration and management in that it will amend an existing law that provides a means for the Town to administer and manage property maintenance issues on properties within the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on July 17, 2024, at 7:10 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 "4"; 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 #93-24

HIGHWAY 284 AGREEMENT UPDATE

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

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

Whereas the Town Board entered in the Agreement for the Expenditure of Highway Moneys pursuant to the provision of Section 284 of the Highway Law on March 20, 2024; and

Whereas Highway Superintendent Hurd desires to include additional funds received from Extreme Winter; now, therefore, be it

Resolved the Town Board enter into the Highway 284 Agreement as amended.

RESOLUTION #94-24

CREATE WATER & SEWER MAINTENANCE HELPER POSITION

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

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

Whereas the Water/Sewer Department would like to implement a transition plan for future staffing needs; and

Whereas Civil Service advised we need to create a Water and Sewer Maintenance Helper to hire an applicant who does not currently hold required certifications; now, therefore, be it

Resolved that the Town Board does hereby create a full-time Water and Sewer Maintenance Helper position at \$18.00/hr.; and, be it further

Resolved an ad be placed in the Chronicle Express seeking applications.

RESOLUTION #95-24

SCT COMPUTER MAINTENANCE CONTRACT RENEWAL

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

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

Resolved the Supervisor be authorized to sign the SCT Computer Maintenance Contract Renewal for a 3-year term.

RESOLUTION #96-24

AUTHORIZE KPSW BACKFLOW PREVENTION TRAINING

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

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

Resolved Joe Matthews, Water Operator/Wastewater Maintainer be authorized to attend the Cross Connection Control Course for Backflow Prevention on October 21-24, 2024 in Rochester, NY at a cost of \$750.00, with the expense being funded by the 8340.0 account.

RESOLUTION #97-24

APPOINT RECREATION PROGRAM STAFF

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

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

Resolved the following appointments and hourly rate for the Jerusalem Recreation Employees be made as follows contingent upon receipt of their high school transcript:

Rec. Assistant	Trevor Archer	\$15.00/hr.
Rec. Assistant	Jarrett Hollister	\$15.00/hr.
Rec. Assistant	Kaitlin Stork	\$15.00/hr.
Rec. Assistant	Amanda Smith	\$15.00/hr.

RESOLUTION #98-24

AUTHORIZE INDEPENDENT AUDIT REQUEST FOR PROPOSAL

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

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

Jerusalem Town Board  
June 19, 2024

Resolved that the Board authorize the Town Clerk to advertise a request for proposal seeking an independent audit of the Town for a 2-year period ending December 31, 2024 and December 31, 2025.

COUNTY REPORT

Legislator Purdy presented the County report.



PUBLIC COMMENT

- Mr. & Mrs. Churches thanked the Board for their work on proposed Local Law B-2024 amending Chapter 147 Vessels, Mooring of and the annual Clean Up Day.
- Tom Schnorr requested clarification on the request to maintain a garage at 466 Richey Blvd. that is encroaching into the Town highway. Concerns can be voiced at the July 19<sup>th</sup> Public Hearing.

RESOLUTION #99-24

EXECUTIVE SESSION - EMPLOYMENT HISTORY OF A PARTICULAR PERSON

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

ADOPTED	Ayes	5	Bird, Jones, Lent, Purdy, Sisson
	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 7:40 P.M.

RESOLUTION #100-24

RETURN TO REGULAR SESSION

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

ADOPTED	Ayes	5
	Nays	0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 8:25 P.M.

RESOLUTION #101-24

DECLARE WATER/SEWER DEPARTMENT STATE OF EMERGENCY

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

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

Resolved Supervisor Sisson declared a state of emergency for the Water/Sewer Department due to current staffing levels.

MEDICAL INSURANCE

Councilor Jones stated he received notice that Excellus is requesting a 23-24% increase this year.

VILLAGE OF PENN YAN WATER & SEWER CONTRACTS

A meeting with the Village of Penn Yan, the Town of Milo and the respective lawyers was held yesterday to discuss extending our water and sewer contracts to a new 40-year term to aid in financing needed major improvements. The next meeting is scheduled for July 8<sup>th</sup>.

With there being no further business, on a motion of Councilor Bird, seconded by Councilor Lent, the meeting was adjourned at 8:37 P.M.

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Sheila McMichael, Town Clerk

Exhibit 1  
Town of Jerusalem

Local Law No. B of the year 2024  
Amended 6/6/2024

A Local Law to Amend Chapter 147 (Vessels, Mooring of)

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Chapter 147 (Vessels, Mooring of) of the Code of the Town of Jerusalem is hereby amended as follows:

- A. The title of Chapter 147 – “Vessels, Mooring of” – is hereby repealed and a new title is hereby inserted in its place to read “Vessels, Anchoring and Rafting of”.
- B. Section 147-2 is hereby repealed and a new §147-2 is hereby inserted in its place to read as follows:

“This chapter shall be known as the "Vessel Anchoring and Rafting Law of the Town of Jerusalem.”

- C. Section 147-5 (Definitions) is hereby amended as follows:
  - i. The definition of “Moor or Mooring” is hereby repealed.
  - ii. New definitions of “Crescent Beach” and “Raft, Rafted or Rafting” are hereby inserted to read as follows:

CRESCENT BEACH

The North end of the West Branch of Keuka Lake beginning at Sugar Creek and going east to the easterly boundary of 700 Crescent Beach (TM# 83.59-1-5.1).

RAFT, RAFTED OR RAFTING

Any group of two or more vessels which are congregated together, whether anchored, secured to one another, or adrift.

- D. Section 147-6 (Mooring restricted) is hereby repealed and a new §147-6 is hereby inserted in its place to read as follows:

§147-6 Anchoring restricted

No person shall anchor any vessel between the shore of Crescent Beach and the channel marker buoys, or within 500 feet of the shore of Crescent Beach, if such distance is further out than the channel marker buoys, unless:

- A. Such vessel is compelled to anchor owing to temporary disability and then only during the period of its temporary disability; or
  - B. Such vessel is compelled to anchor temporarily owing to an emergency arising out of the perils of the sea and then only during the period of the emergency; or
  - C. Such vessel is a minimum distance of 50 feet from any other vessel - whether such other vessel is adrift, anchored, rafted, moored or secured to a dock, a hoist, a float, the shore or anything affixed to the shore - and is being used by an occupant of such vessel for fishing purposes.
- E. A new section 147-7 is hereby adopted to read as follows:

§147-6 Rafting restricted

No person shall raft any vessel between the shore of Crescent Beach and the channel marker buoys, or within 500 feet of the shore of Crescent Beach, if such distance is further out than the channel marker buoys.

Section 2. 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 3. This local law shall take effect upon both the 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 of Jerusalem on the 19<sup>th</sup> day of July, 2024, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2024, entitled "A Local Law to Amend Chapter 147 (Vessels, Mooring of)", which would repeal regulations and references regarding the mooring of vessels and adopt and/or amend regulations dealing with the anchoring and rafting of vessels.

Any person 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, Town of Jerusalem, New York.

This by Resolution of the Town Board of the Town of Jerusalem.

Sheila McMichael, Town Clerk

Exhibit 3  
Town of Jerusalem  
Local Law No. C of the year 2024

A Local Law Amending Chapter 118 (Property Maintenance Law) of the Code of the Town of Jerusalem

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Chapter 118 (Property Maintenance Law of the Town of Jerusalem) of the Code of the Town of Jerusalem is hereby amended as follows:

A. Subsection (3) of paragraph B of § 118-7 (Notice of violation) is hereby repealed and a new subsection (3) is hereby inserted in its place to read as follows:

(3) A statement that in the event of neglect or refusal to comply with the order within the time set forth therein, the Town of Jerusalem is authorized to cause compliance as required in the order, and the total expense of remediation, plus a service charge of 20% thereof or \$250, whichever is greater, to cover the cost of supervision and administration, shall be certified by the Town of Jerusalem Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

B. Paragraphs A and C of § 118-8 (Remediation by Town) are hereby repealed and new paragraphs A and C are hereby inserted in their places to read as follows:

A. If the person upon whom a notice to cut and/or remove grass, weeds and/or other vegetation is served fails, neglects or refuses to cure the violation within the timeframe specified in the notice, the Town of Jerusalem Code Enforcement Officer shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal plus a service charge of 20% thereof or \$250, whichever is greater, to cover the cost of supervision and administration shall be certified by the Town of Jerusalem Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

C. The Town Jerusalem Code Enforcement Officer may cause any nuisance, hazard or litter to be removed from any property within the Town of Jerusalem upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit specified on the notice. Said removal may be performed by the Town itself or the Town may contract with a private entity or contractor. The Code Enforcement Officer shall ascertain the cost of such removal, and such cost plus a service charge of 20% thereof or \$250, whichever is greater, to cover the cost of supervision and administration shall be charged and assessed against the owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

Section 2. 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 affect, 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 3. This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 4  
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 17<sup>th</sup> day of July, 2024, at 7:10 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2024 entitled, “A Local Law Amending Chapter 118 (Property Maintenance Law) of the Code of the Town of Jerusalem”. This local law would amend the regulations in the Property Maintenance Law dealing with notices of violation and remediation by the Town.

Any person 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