

Minutes of the regular monthly meeting of the Jerusalem Town Board held on July 17, 2024 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd, Code Enforcement Officer McKinley.

GUESTS: Steve Schmidt, Terry Button, Jill Lerch, Ken Lerch, Cheryl Hurd, Chuck Lamacchia, Mike Ventrone, Gail Pollard, Mary K. Stine, Megan Morehouse, Penny Hayes, Jackie Bauda, Tracy Green, Dave Mortensen, Tim Hopkins, Stephen Green, Judy Dunning, William Dunning, Gerald Pease, Myron Jensen, Doug Nichols, Chris Johnson, Greg Lechner, Erika Morse, Rita Griffin, James Howitt, Susan & Ray Hamilton, Bruce & Tina Churches, Ted Bedell, Tina Tears, Kevin Tears, Merry Serio, Michael Bell, Doug Marchionda, Sr., Robert Brown, George Egresi, Anthony Akers, Kelsey Egresi, Wyatt Osmond, Lydia Shippee, Joe Miran, James Rysewyk, Jean Geertz, Bill Bohnert, Gary Banas, Sandra Banas, Tom Schnorr, Angela Egresi, Kala Halbert, Susan Nashburn, Laurie Halbert, Bill Halbert, Ed Donnelly, Brian McKinnon, Susan McKinnon, Larry Lanpher, Elizabeth Lanpher, Connie & Bud Felder, Mike & Jen Szymanski, Jodie Schwartz, Deb & Melissa Bullock-Smith, Sheryl Smith, Jim Smith, Steve Smith, Melita Deci, Ben Deci, Donna Woodruff, Bill Woodruff and other unidentified guests.

Supervisor Sisson called the meeting to order with the Pledge to the Flag at 7:03 P.M.

RESOLUTION #102-24  
APPROVAL OF MINUTES

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

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

Resolved the minutes of the June 19, 2024 meeting be approved with the following corrections:

1. Resolution #90-24 "A Local Law to Amend Chapter 147 (Vessels, Mooring of)" - Scheduling of Public Hearing Exhibit 2 date corrected to July 17<sup>th</sup>
2. Public Comment - 466 Ritchey Blvd. Highway Encroachment Public Hearing date corrected to July 17<sup>th</sup>

RESOLUTION #103-24  
AUDIT OF CLAIMS

On a motion of Councilor Purdy, seconded by Councilor Bird, 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:	\$ 22,596.28
Outside Village	\$ 1,833.33
Highway DB:	\$352,151.67
Sewer:	\$ 58,309.02
Water:	\$ 7,088.99
Branchport Light	\$ 395.89

June Utilities:

General:	\$ 3,164.13
Outside Village:	\$ 45.29
Sewer:	\$ 357.63
Water:	\$ 338.33
Trust:	\$25,376.81

RESOLUTION #104-24

SUPERVISOR REPORT

On a motion of Councilor Jones, 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 June 2024 be accepted as presented.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Superintendent Hurd stated oil and stoning continues, weather permitting.
- Barry Martin will be retiring his Heavy Equipment Operator position on July 25<sup>th</sup> after 40+ years of service.
- DEC closed out the pit in Potter where we got sand.
- Saunders Finger Lakes Museum has requested their sidewalks be removed.

COUNCIL

- Councilor Jones thanked Judd's Nursey for the tremendous work done on the landscaping at the Town Office.

PUBLIC HEARING - PROPOSED LOCAL LAW B-2024 CHAPTER 147 MOORING OF AMENDMENT

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:05 P.M., asking for comments on the proposed amendments to Chapter 147, Mooring of.

The following information was provided in response to questions posed by Megan Morehouse, 3405 Guyanoga Road:

- Crescent Beach residents petitioned the Town.
- The proposed legislation is a rafting restriction pursuant to NYS Town Law §130, not NYS Navigation Law.
- Article XXI of the Town's Zoning Law contains the Keuka Lake Uniform Docking and Mooring Law that all municipalities surrounding Keuka Lake have adopted that regulates mooring within 1500 feet of shore - as authorized by Section 46-a of the New York State Navigation Law.
- Proposed local law B-2024 repeals Chapter 147's regulations dealing with mooring (as the Keuka Lake Uniform Docking and Mooring Law is the Town's law regulating the mooring of vessels) and amends Chapter 147 to deal with anchoring and what is newly being defined as "rafting", which the Town is viewing as a form of anchoring or at least a form of operation of a vessel, as authorized by Town Law Section 130.
- Yates County Sheriff's Office will act as enforcing agent.

Steve Green, 45 Mill St. opposes stating there are ways to address the situation without banning all that enjoy Crescent Beach.

Judy Dunning, 3820 Stever Hill Rd. opposes. Her grandchildren learn to swim there and she does not want the Town to take that away.

William Dunning, 3820 Stever Hill Rd. opposes. There has to be a better resolution. This is not the way to solve the problem.

Gerry Pease, 3737 Pepper Rd. opposes as a boater and hunter on the lake.

Myron Jensen, 2560 Country Estates, Penn Yan opposes. His family has enjoyed the lake since 1970 and the Town is trying to take it away.

Doug Nichols, 3722 Rte. 54A opposes. The lake is free to everybody. He questioned the Town's jurisdiction stating tickets can only be issued by law enforcement certified by NYS Parks & Recreation. Mr. Nichols will provide the referenced law to the Town Clerk for further review by the Board.

Chris Johnson, 420 Crescent Beach supports. It is a shame it has come to this, citing incidents of a boat steering at him while swimming and being threatened by loud, rude, vulgar people. Large groups of boats result in navigational issues and have prohibited him from getting his boat out. Drinking and operating boats is unsafe. Loud music is disturbing the peace. They are concerned for the safety of their families.

Greg Lechner, 346 Crescent Beach supports. He read Jerusalem Town Code § 147-1 Purpose that was enacted in 1992: "Pursuant to New York State Town Law § 130, in order to protect and secure navigation, bathing, fishing and other recreational uses and the natural beauty and healthful, safe, full and proper enjoyment of

the waters bounding the Town of Jerusalem by the inhabitants of the town and community; to secure safety from flood, fire, explosions and other dangers; to protect the inhabitants of the Town of Jerusalem from unreasonable odors, smoke, vapor, gas, dust, noise and vibrations; to promote and protect the good order, peace, health, safety, morals and general welfare of the inhabitants of the town and community; to protect and secure the property of the same, the Jerusalem Town Board does hereby enact the following chapter." That's what the Crescent Beach residents are asking for. They want to enjoy the lake too.

Erika Morse supports, citing an incident when an intoxicated man jumped off a boat toward the raft she was on with her children. He was vulgar and rude. Her kids don't enjoy the lake anymore.

Rita Griffin-Shroyer, 11768 West Lake Rd., Pulteney supports.

James Howitt, Pulteney Planning Board and Keuka Lake Association Board member opposes. It violates Riparian and Littoral Law in New York State.

Tina Churches, 416 Crescent Beach supports. Proposed amendment still allows fishing and hunting.

Bruce Churches, 416 Crescent Beach supports. He is not able to use his lake front like other homeowners on the Lake.

Ted Bedell, 328 Crescent Beach supports and commended the Board for doing their due diligence.

Councilor Bird and Purdy noted the Board has been asked to do this and not to do this. Constructive input on how to solve this is appreciated, noting the Town cannot regulate respect for others.

Robert Brown, 3972 Oak St. asked if the Board is successful in adopting this, what is to stop it from being applied to another stretch of shoreline?

George Egressi, 10887 CR 78, Prattsburg had his barge moorings cut and flag removed over the holiday weekend.

Anthony Ackers, 8609 Wright Rd., Pulteney opposes.

Wyatt Osmond, 9 Lake St., Hammondsport opposed. This is a free country.

Lydia Shippee, 10502 Cross St., Hammondsport opposes. It happens all over the Lake.

Zach (?) opposes and suggests videotaping issues for proof.

Jerusalem tax payers have a right to use the Lake.

Mary Kay Stine, 3391 Guyanoga Rd. questioned the Sheriff's Department having a decibel gun to measure noise. Sheriff Spike previously told Supervisor Sisson it is their discretion if they issue tickets.

Cheryl Hurd, 3726 Rte. 54A stated noise travels and asked when do we stop appeasing them?

Joe Miran, 374 Crescent Beach supports citing fecal matter on the beach, obscenities and loud music. This amendment does not prohibit boats at the sand bar.

Gary Banas, 624 Ritchey Blvd. feels this is a slippery slope. Concerned citizens petitioned the Town, but he is concerned with the future.

Sandra Banas, 624 Ritchey Blvd. supports Mr. Miran and Mr. Banas adding a few are wrecking it for all. The amendment needs to be enforceable and law enforcement needs to help address the situation.

Angela Egresi, Pulteney opposes. Grandchildren learned to swim at Crescent Beach. As a tourist area, we all experience the same issues that we can't control.

Kala Halbert, 9057 Idlehurst Rd., Hammondsport/116 Central Ave. opposes. The shallows belong to the community and the Town is overstepping their authority.

Chuck LaMoccia suggested posting signage in the water to educate the public; take in, bring out. More law enforcement. Proposed law allows fishing, but not swimming. Use port-a-john, walk to the State Park bathroom or line a 5-gallon bucket with plastic bag. Councilor Bird commended Mr. LaMoccia for his constructive input.

Angela Egresi, Pulteney opposes. The Lake is for everyone to use.

Laurie Halbert, 9057 Idlehurst Rd., Hammondsport/116 Central Ave opposes. There are solutions. Do not punish the 95% for the 5% who are the problem. Use the legal system.

Bill Halbert, 9057 Idlehurst Rd., Hammondsport/116 Central Ave opposes.

Megan Morehouse, 3405 Guyanoga Rd. asked if those opposed can petition the Town.

Michael Bell, 953 Old Pines Trail opposes. The public has lost the sense of respect for each other. It will never work by imposing this law.

Further comments are to be emailed to the Town Clerk or left at the Town Office. Attorney Graff noted any amendments to the proposed local law will require scheduling and noticing a new public hearing.

A written letter was received from Doug Potter, 834 Esperanza Drive who was not able to attend tonight's hearing supporting the proposed amendment.

RESOLUTION #105-24

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2024 CHAPTER 147  
MOORING OF AMENDMENT

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

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

With all persons desiring to be heard, the Public Hearing on proposed Local Law B-2024 Chapter 147 Mooring of Amendment was closed at 8:29 P.M.

PUBLIC HEARING - 466 RITCHEY BLVD. HIGHWAY ENCROACHMENT

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 8:29 P.M., asking for comments on the request for a Highway Encroachment License Agreement to maintain a garage at 466 Richey Blvd. that is encroaching into the Town highway.

Gary Banas, 624 Ritchey Blvd. supports.

Sandra Banas, 624 Ritchey Blvd. supports.

Tom Schnorr, 903/906 Old Pines Trail, summarized his July 15<sup>th</sup> letter to the Town Board stating his opposition to the Agreement request and noted multiple zoning violations. A variance was granted for a carport that currently is a fully enclosed garage.

Ed Donnelly, 903/906 Old Pines Trail opposes.

Gloria Long, 857 Old Pines Trail supports.

Michael Bell, 953 Old Pines Trail questioned the septic located in the backyard in the marsh.

RESOLUTION #106-24

CLOSE PUBLIC HEARING - 466 RITCHEY BLVD. HIGHWAY ENCROACHMENT

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

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

With all persons desiring to be heard, the Public Hearing on 466 Ritchey Blvd. Highway Encroachment was closed at 8:46 P.M.

PUBLIC HEARING - PROPOSED LOCAL LAW C-2024 Amending Chapter 118  
PROPERTY MAINTENANCE

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

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

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 8:48 P.M., asking for comments on proposed Local Law C-2024 amending Chapter 118 Property Maintenance to allow the Code Enforcement Officer to take care of violations in a timely manner

Mary Kay Stine, 3391 Guyanoga Road supports the proposed law. She has been fighting property maintenance issues with her neighbor for years. Overgrown vegetation has made the sidewalk impassable and blocks her view to back out of her driveway.

Code Enforcement Officer McKinley stated the amendment will allow enforcement and explained the process.

Gloria Long, 857 Old Pines Trail supports.

RESOLUTION #107-24  
CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW C-2024 CHAPTER 118  
PROPERTY MAINTENANCE AMENDMENT

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

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

With all persons desiring to be heard, the Public Hearing on proposed Local Law C-2024 Chapter 118 Property Maintenance Amendment was closed at 8:57 P.M.

SAUNDERS FINGER LAKES MUSEUM - STRATEGIC PLANNING GRANT  
Saunders Finger Lakes Museum approached the Town to discuss the possibility of applying for a NYS grant to develop a strategic plan for Branchport. They want the Town to sponsor the grant that is due 7/31. The Board felt it was interesting concept, but do not have needed funds budgeted in 2024 for the required 50% match.

RESOLUTION #108-24  
2024 GENERAL FUND BUDGET AMENDMENT - DASNY GRANT

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 applied for a grant through the Dormitory Authority of the State of New York (DASNY) to assist with the cost of repairs to locks within the Keuka Lake Outlet in 2019, and

Whereas, expenses for such repairs were paid for by the Keuka Lake Outlet Compact (Municipalities Group), and

Whereas, the State of New York (DASNY) will only reimburse Municipalities and not collective groups, and

Whereas, the Town will receive reimbursement from the DASNY Grant

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upon verification of funds payable to the Keuka Lake Outlet Compact, now be it

Resolved that the 2024 General Fund Budget be amended to reflect the revenue and expense related to the DASNY Grant

Increase expense 8989.4 (KLOC)	\$50,000.00
Increase revenue 3960 (State Aid)	\$50,000.00



RESOLUTION #109-24

AUTHORIZE EAST BLUFF DRIVE RECONSTRUCTION PROJECT CHANGE ORDER

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

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

Resolved Change Order No. 2 be authorized in the amount of \$10,008.96 to provide and install additional gravel shoulder (approx. 60 ton) to back up the new paving overlay installed as part of Change Order No. 1. Work was requested by the Town Highway Department.

COUNTY REPORT

Legislator Purdy presented the County report.

PUBLIC COMMENT

Beechnut Road residents expressed their concerns with the building activities at Camp Good Days based on the permits recently issued and the work underway.

RESOLUTION #110-24

GRANT HIGHWAY ENCROACHMENT - 466 Ritchey Blvd.

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

DEFEATED       Ayes       1   Lent  
                  Nays        4   Bird, Jones, Purdy, Sisson

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 July 17 2024, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a written request dated April 2, 2024 (the "Request") submitted to the Town of Jerusalem by 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"), pursuant to Section 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 said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on July 4, 2024, was duly posted on the Town signboard and duly posted on the Town website; and

WHEREAS, notice of said public hearing was also sent by certified mail to the owners of property, as determined from the last completed assessment roll, within five hundred feet of the Property as measured from the intersections of the Property lines with Ritchey Boulevard; and

WHEREAS, said public hearing was duly held on July 17, 2024, at 8:29 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 the Request.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby determines that the Encroachment does not interfere or impede the right of the public to use Ritchey Boulevard, and be it further

RESOLVED, that the town board grant to the Owners a revocable license, in the form attached hereto and made a part hereof, to continue to maintain the Encroachment during the period such wall is in existence, subject to the conditions contained in such license and that the Supervisor be authorized to sign such license.

DISCUSSION - 466 RITCHEY BLVD. ENCROACHMENT

Tina L. Tears and Merry A. Serio, owners of 466 Ritchey Blvd. were instructed to return the garage to the carport as granted in the variance and meet with Code Enforcement Officer McKinley to discuss further options.

RESOLUTION #111-24

AUTHORIZING ADOPTION OF LOCAL LAW NO. 2 OF 2024 AMENDING CHAPTER 118 (PROPERTY MAINTENANCE LAW) OF THE CODE OF THE TOWN OF JERUSALEM

On a motion of, seconded by, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Lent	Aye
Councilor Purdy	Aye
Councilor Bird	Aye
Councilor Jones	Aye
Supervisor Sisson	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 July 17, 2024, 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 Amending Chapter 118 (Property Maintenance Law) 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 July 4, 2024 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 July 17, 2024, at 8:48 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 2024, entitled, "A Local Law Amending Chapter 118 (Property Maintenance Law) 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.

DISCUSSION - PROPOSED LOCAL LAW B-2024 CHAPTER 147 MOORING OF AMENDMENT

Any amendment to proposed Local Law B-2024 Chapter 147 Mooring of will require a new public hearing to be scheduled and noticed. Councilor Purdy will pursue discussions with the County Public Safety Committee and the Sheriff regarding enforcement. Crescent Beach residents can self-police by getting boat registration numbers and report them to law enforcement. It appears this is an ebb and flow issue that became a problem during COVID in 2020 with few issues so far this year. This will be placed on the August 21, 2024 Town Board meeting agenda.

RESOLUTION #112-24

MOVE TO EXECUTIVE SESSION

On a motion of Councilor Bird, seconded by Councilor Purdy, 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 10:06 P.M.

Attorney Graff left the meeting at 10:35

RESOLUTION #113-24

RETURN TO REGULAR SESSION

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 Board return to regular session.

The Board reconvened in regular session at 10:41 P.M.

RESOLUTION #114-24

ESTABLISH HOURLY RATE WATER/SEWER

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

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

Resolved Water/Sewer employee Joe Matthews hourly rate be increased to \$29.43 retroactive to July 6, 2024.

RESOLUTION #115-24

AUTHORIZE BACK PAY WATER/SEWER

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

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

Resolved Water/Sewer employee Joe Matthews be paid \$3/hr. from September 1, 2023-July 5, 2024.

With there being no further business, the meeting was adjourned at 10:43.

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Sheila McMichael, Town Clerk