

Minutes of the regular monthly meeting of the Jerusalem Town Board held on September 21, 2016 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Dinehart, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Ray Stewart, Bev Eggleston, John & Rita Manley, Gary Smith, John Christensen; *Chronicle Express* Reporter, Doug Paddock, Ed Bronson, Bob Evans.

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

A moment of silence was taken in honor of Jerome Jose who recently passed. Mr. Jose served on the Zoning Board. Donations can be made to Keuka Comfort Care Home or the Penn Yan Ambulance Corps.

**RESOLUTION #150-16**  
**APPROVAL OF MINUTES**

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

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the minutes of the August 17, 2016 meeting be approved as read.

**RESOLUTION #151-16**  
**AUDIT OF CLAIMS**

On a motion of Councilor Parson, seconded by Councilor Anderson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

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

General:	\$ 14,215.10
Outside Village	\$ 6,599.75
Highway DB:	\$103,013.37
Sewer:	\$ 35,872.54
Water:	\$ 48,858.18
Branchport Light	\$ 234.81

August Utilities:

General:	\$2,497.56
Outside Village:	\$ 95.90

Highway DB:	\$3,683.81
Branchport Light:	\$ 234.81
Sewer:	\$ 293.27
Water:	\$ 500.84

Supervisor Killen will further research an auto parts purchase made in Geneva during working hours.

RESOLUTION #152-16  
SUPERVISOR REPORT

On a motion of Councilor Parson, seconded by Councilor Dinehart, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of August 2016 be accepted as presented.

RESOLUTION #153-16  
PUBLIC HEARING - CABLE TELEVISION FRANCHISE

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:04 P.M., asking for comments on the proposed Cable Television Franchise Agreement.

No one from the public wished to comment.

The hearing was left open.

PRESENTATION - BEV EGGLESTON, SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Supervisor presented an overview of the 2016 summer program. 82 campers enrolled. Photographs were displayed of various activities including arts, crafts, sports, community service projects, swimming lessons and field trips. JoAnn Fabrics donated numerous prefab kits to the program. Thank you notes were sent for donations made to offset the cost of the Seabreeze field trip. Low scores received on the program evaluation forms will be reviewed further. Mrs. Eggleston noted filling the Water Safety Instructor position next year may be difficult, clarifying this position is different than a life guard.

The Board thanked all the program staff for doing a great job. Mrs. Eggleston thanked the Board for supporting the program.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The first phase of reconstruction on Belknap Hill and Armstrong Roads is complete.
- The cold mix paving on Barnes Road turned out well.
- FEMA work is almost done.

TOWN ENGINEER

- Notes of the September 8, 2016 KPSW meeting on file in the Office of the Town Clerk.
- NYSDEC issued the permit for the Indian Pines forcemain replacement project.
- Mr. Stewart stated the bid received on the 2011 Ford F-150 pick-up truck declared as surplus equipment under Resolution #28-16 was rejected.

SUPERVISOR

Supervisor Killen invited the Keuka Park residents in attendance to comment about the new Keuka College sign on Central Avenue, parking, speed limit and noise in Keuka Park. John Manley presented a 1978 zoning application from Farash Apartments for Supervisor Killen to review. The residents were encouraged to work with the College as the Town does not have jurisdiction over all matters brought forward. In summary, meetings are arranged as people work to address the noted concerns.

SUBCOMMITTEE REPORT:

Solar Energy Subcommittee:

Comments received will be incorporated into the draft Solar Energy regulations and presented to the Town Board for the October meeting.

RESOLUTION 154-16

CLOSE PUBLIC HEARING - CABLE TELEVISION FRANCHISE AGREEMENT

On a motion of Councilor Parson, seconded by Councilor Anderson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

With all persons desiring to be heard, Supervisor Killen closed the public hearing on the proposed Cable Television Franchise Agreement at 7:57 P.M.

The regular meeting was reconvened.

RESOLUTION #155-16

AUTHORIZE SUPERVISOR TO SIGN CABLE TELEVISION FRANCHISE RENEWAL AGREEMENT WITH TIME WARNER CABLE NORTHEAST LLC

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

An application has been duly made to the Board of the Town of Jerusalem, County of Yates, New York, by TIME WARNER CABLE NORTHEAST LLC ("Time Warner"), a partnership organized under the laws of the State of New York doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, and holder of a cable television franchise in the Town of Jerusalem for the approval of an agreement to renew Time Warner's cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Jerusalem on September 21, 2016 at 7:04 P.M. and notice of the hearing was published in the *Chronicle Express* on August 24 and 31, 2016.

NOW, THEREFORE, the Board of the Town of Jerusalem finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Jerusalem hereby renews the cable television franchise of Time Warner in

the Town of Jerusalem for fifteen (15) years commencing on the date of approval by the Public Service Commission.

BE IT FURTHER RESOLVED that the Board of the Town of Jerusalem hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on 06/07/02.

HIGHWAY CAPITAL RESERVE - GRADER PURCHASE

There was no petition for a referendum allowed by Section 6-c of the General Municipal Law, as prescribed by section 9 of Town Law, protesting against Resolution #140-16 authorizing the expenditure from the Highway Capital Reserve Fund.

TOWN HALL CLEANING SERVICES

No letters of interest were received to provide cleaning services at the Town Hall. Supervisor Killen will contact Connect-A-Service.

RESOLUTION #156-16

AUTHORIZING INSTALLATION TOWN HALL WINDOWS

On a motion of Councilor Parson, seconded by Supervisor Killen, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson  
Nays 0

Whereas bids were received for replacement windows on the south side of the Town Hall in accordance with Resolution #146-16; and

Whereas bids were received from the following:

Mahlon Smoker	\$2,000
Dan Nielsen	\$2,875

Now, therefore, be it resolved the installation of windows for the Town Hall be awarded to Mahlon Smoker with the funds taken from account 1620.4.

Supervisor Killen will further review the request from Mr. Smoker to have the Town pay for the windows when they are delivered to the Town Hall.

DATA COLLECTOR/REVALUATION

- No letters of interest were received in response to our ad for a part-time Data Collector.
- Concerns regarding our 92% equalization rate were expressed.
- The Assessor's Monthly report was discussed.

RESOLUTION #157-16

PROCLAMATION - CONSTITUTION WEEK SEPTEMBER 17-23

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

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

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, Patrick Killen by virtue of the authority vested in me as Jerusalem Supervisor in the 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 American citizenship.

RESOLUTION #158-16

BAR APPOINTMENT - LLARILYN BUCKINGHAM

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

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Resolved that Llarilyn Buckingham be appointed to the Board of Assessment Review for a five-term October 1, 2016 - September 30, 2021.

RESOLUTION #159-16

CREATE FULL-TIME MEDIUM EQUIPMENT OPERATOR POSITION

On a motion of Councilor Parson, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays       0

Whereas; there will be vacancy in the Highway Department with the retirement of a full-time Heavy Equipment Operator on October 25, 2016; and

Whereas the Highway Superintendent desires to fill the vacancy with a Medium Equipment Operator; now, therefore be it

Resolved that a MSD-222A Request for Additional Position In An Already Established Title/Classification form be submitted to Yates County Personnel for the full-time Medium Equipment Operator position.

RESOLUTION #160-16

APPOINTMENT - MEDIUM EQUIPMENT OPERATOR

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

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays       0

Whereas; Dale Fitzwater is retiring from the Highway Department on October 25<sup>th</sup> 2016; and

Whereas; the Highway Superintendent and Highway Committee (Councilors Jones and Parson) agreed to offer a position of Medium Equipment Operator (MEO) to Jason Tietjen

Now; therefore, be it resolved that Jason Tietjen be hired as a MEO for the Highway Department starting 9/30/2016 at a salary of \$16.00 per hour pursuant to and in compliance with Yates County Civil Service regulations.

RESOLUTION #161-16

DOT INVENTORY - SAND HILL ROAD

On a motion of Councilor Parson, seconded by Councilor Dinehart, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  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).

Sand Hill Road Extension from Sand Hill Road to the End of Road for a total distance of 0.28 Miles (See Attached Map)

RESOLUTION #162-16  
2016 BUDGET AMENDMENT - HIGHWAY FEMA

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

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas, the Highway Superintendent has completed FEMA related work on town roads; and

Whereas, the Town is anticipating such funds to be reimbursed prior to the close of 2016;

Now be it resolved that the Highway DB 2016 budget be amended as follows

Assign to the 8760.4 Emergency Disaster expense	\$95,946.00
Assign to the 3960 State Aid revenue	\$23,986.50
Assign to the 4960 Federal Aid revenue	\$71,959.50

RESOLUTION #163-16  
INCREASE TERRY KWIECINSKI PAY AS DATA COLLECTOR

On a motion of Councilor Anderson, seconded by Councilor Parson, the following was

ADOPTED       Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                  Nays        0

Whereas: Terry Kwiecinski was contracted for the position of data collector by the town board at a rate of \$15.00 per site April 15, 2016 based on the assumption of 10-15 sites a day could be collected. The work would include traveling to given



sites, taking photographs of the buildings, measuring the buildings and sketching the structures.

Whereas: The data being collected was much more extensive and time consuming resulting in an average time of 1.6 hours per site. Data collection now includes past history of site changes, auto cad drawings and updating folders.

Therefore: The contracted pay she is being paid should be increased to \$21.00 per site effective immediately and the 312 sites that have been completed from 4/15/2016 through 8/15/2016 be reimbursed by \$6.00 per site or a total of \$1,872.00. This money will be taken out of the preapproved funds for data collection.

Resolution #164-16

RESOLUTION INTRODUCING LOCAL LAW D-2016 AND CALLING A PUBLIC HEARING

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED           Ayes       5   Anderson, Dinehart, Jones, Killen, Parson  
                      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 October 19, 2016, 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 #165-16

PRESENT TENTATIVE 2017 BUDGET

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved the Tentative 2017 Town, Water & Sewer Budget be presented to the Town Clerk. Copies are available to the public upon request.

PUBLIC COMMENT:

The following were reported by the Yates County Legislators:

- The new County Administrator began September 6, 2016.
- Workman's Compensation Budget was adopted and shared with the municipalities.
- The budget for Pictometry has been distributed. Another fly over will be done to update the data.
- Follow up will be done on parking on County road Central Avenue. A drainage study of the area will be done by Yates County Soil and Water.

Ray Stewart suggested the Town recognize the work done to maintain the USA Field.

B1 Zoning Amendment: Attorney Graff is still awaiting further information to draft the proposed B1 zoning amendment. Town Clerk McMichael requested information be copied to her for filing with the local law.

With there being no further business, on a motion of Councilor Anderson, seconded by Councilor Dinehart, the meeting was adjourned at 8:46 P.M.

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Sheila McMichael, Town Clerk

Exhibit 1  
Local Law No. D of the year 2016

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

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 2017 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 2017 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

Jerusalem Town Board  
September 21, 2016

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 19<sup>th</sup> day of October, 2016, 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 2017 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