

Minutes of the regular monthly meeting of the Jerusalem Town Board held on April 19, 2017 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Parson, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

Excused: Councilor Dinehart

GUESTS: Ray Stewart, Ed Pinneo, Tim Cutler, Ed Bronson, John Christensen; *Chronicle Express* Reporter, Doug Paddock, Andy Sprague, Elaine Nesbit.

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

A moment of silence was held in honor of Town employee Carol Goebel who recently passed. Mrs. Goebel joined the Town in 2009, serving most recently as Deputy Town Clerk and Grievance Board Secretary.

RESOLUTION #71-17

CHANGES TO THE AGENDA

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

Resolved an Executive Session to discuss the history of an employee be added to the agenda.

RESOLUTION #72-17

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

Resolved the minutes of the March 15, 2017 meeting be approved as read.

RESOLUTION #73-17

APPROVAL OF MINUTES

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

Resolved the minutes of the March 27, 2017 special meeting be

approved as read.

RESOLUTION #74-17

APPROVAL OF MINUTES

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Resolved the minutes of the April 11, 2017 special meeting be approved as read.

RESOLUTION #75-17

AUDIT OF CLAIMS

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

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

General:	\$15,097.51
Outside Village	\$ 1,039.47
Highway DB:	\$14,186.39
Sewer:	\$58,549.95
Water:	\$ 872.36
Branchport Light	\$ 242.81

March Utilities:

General:	\$ 897.32
Sewer:	\$ 223.27
Water:	\$ 390.88
Trust:	\$32,505.60

RESOLUTION #76-17

SUPERVISOR REPORT

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Resolved that the Supervisor's Report on the Town's finances for the month of March 2017 be accepted as presented.

RECOGNITION - ED PINNEO, PAST PLANNING BOARD MEMBER

Supervisor Killen presented a plaque to Ed Pinneo in recognition of his 23 years served on the Planning Board.

PRESENTATION - AMY DAINES, YATES COUNTY BOARD OF ELECTIONS COMMISSIONER

Will be added to the May agenda.

NYMIR INSURANCE RENEWAL

Andy Sprague, Sprague Insurance presented an overview of the NYMIR Insurance Proposal. The 2017-2018 annualized insurance premiums will decrease 1.2% to \$41,801.41.

LYNN WUYTOWICZ - CULVER ROAD WATER TREATMENT TANK SCREENING

Ms. Wuytowicz was not in attendance.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Tire declared as surplus (Resolution #196-16) sold for \$3,200.
- We anticipate receiving an additional one-time CHIPS payment in the amount of \$49,000.

TOWN ENGINEER

- Notes of the April 13, 2017 KPSW meeting on file in the Office of the Town Clerk.
- The Indian Pines sewage forcemain is connected and operational. Town Engineer thanked all those involved in getting this project done.
- The Sewer District structure at Indian Pines to maintain pumps is in place (Resolution #34-17).

ASSESSOR

Monthly report on file. Data collection is complete on 1,913 parcels.

COUNCIL

- Clean Up Day will be June 24, 2017, 8:30-2:30.

SUPERVISOR

- The Yates County dog shelter passed the NYS Agriculture and Markets inspection.
- The County Administrator will convene a panel to formulate a plan to share services or merge government functions in

response to the Countywide Shared Services Initiative (CWSSI) included in the State Budget.

- Supervisor Killen will obtain a copy of the Keuka Park speed analysis report from the Yates County Sheriff's Department.
- IT Liaison Elaine Nesbit was in attendance to discuss options for the Town server backup program that expired April 15<sup>th</sup>.

RESOLUTION #77-17

RENEW CARBONITE, INC. - SERVER BACK UP PROGRAM

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

ADOPTED Ayes 3 Anderson, Killen, Parson  
Nays 1 Jones

Whereas the server back-up program provided by Carbonite, Inc. expired on April 15, 2017; and

Whereas the Sales Manager from Carbonite provided a 15-day extension to allow time for the Town to make a decision tonight; and

Whereas an attempt to convert our back-up to I Drive was unsuccessful due to the age of the server operating system and the current back-up also needs to be upgraded; now, therefore, be it

Resolved the server back-up provided by Carbonite, Inc. be upgraded to the Office Power Plan for one year at a cost of \$419.99; and be it further

Resolved that further back-up options will be explored.

Councilor Jones stated his opposition due to the lack of response to the April 15 expiration notices resulting in the Board making last minute decisions.

RESOLUTION #78-17

SCHEDULE PUBLIC HEARING - PROPOSED LOCAL LAW C-2017 ADDING PARKING RESTRICTIONS

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

ADOPTED Ayes 4 Anderson, 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 entitled, "A Local Law to Amend Chapter 145 (Vehicles and Traffic) 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 "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 2" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (20) and (27), thereby requiring no further action by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on May 17, 2017, 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, 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.

SUBCOMMITTEE REPORTS:

NOISE ORDINANCE SUBCOMMITTEE:

Supervisor Killen will send the Noise Ordinance to Attorney Graff to draft into local law.

DRAFT INTERMUNICIPAL ASSISTANCE AGREEMENTS WITH THE TOWN OF MILO

The KPSW Committee will review the Assistance Agreement with Milo. Subparagraph 4 will be reworded based on discussions with Sprague Insurance. Town Engineer Ackart and KPSW Department Head Hardy will determine the rates for Schedule A.

The Highway Committee determined the Highway Department did not need to be included in the agreement. The informal arrangement of helping each other for 40+ years will continue.

PLANNING BOARD APPLICANT

Bob Morse submitted a letter of interest for the Planning Board position to Supervisor Killen. Planning Board Chair Cutler stated he has to recuse himself from this interview and will seek an alternate Planning Board representative.

RESOLUTION #79-17

FARM LAND AGREEMENT

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

ADOPTED     Ayes 4     Anderson, Jones, Killen, Parson  
              Nays 0

Whereas there has been interest expressed to rent approximately 4 acres of land adjacent to our gravel pit that the Town is not permitted to mine; and

Whereas the Village of Penn Yan provided a sample farm land agreement they use; now, therefore, be it

Resolved the following:

1. The Supervisor will forward the sample agreement to Attorney Graff for review.
2. The Supervisor will verify required coverage with Sprague Insurance.
3. The Supervisor is hereby authorized to execute a farm land agreement with a lessee for the highest bid if there are no objections by Attorney Graff.

RESOLUTION #80-17

AWARD GRAVEL CRUSHING BID

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

ADOPTED     Ayes     4     Anderson, Jones, Killen, Parson  
              Nays     0

Whereas after advertising, the Highway Superintendent received bids for the crushing of gravel at the Town-owned pit located at 2672 Guyanoga Road, Penn Yan, NY as follows:

RMS Gravel, Dryden, NY	\$3.75/cubic yard
Villager Construction, Fairport, NY	\$3.45/cubic yard

Whereas after review of the bids submitted, the Highway Superintendent has determined that the bid from Villager Construction to be the best value; now, therefore, be it

Resolved the crushing of gravel be awarded to Villager Construction in the amount of \$3.45/cubic yard.

The proceeds for this service shall be taken from Highway Account DB5110.4.

RESOLUTION #81-17

AUTHORIZING ACCEPTANCE OF SANITARY SEWER AND UTILITY EASEMENTS

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

WHEREAS, the Town of Jerusalem, by its officers or representatives, has engaged in discussions with Keuka College regarding the Town's obtaining a sanitary sewer and utility easement from it over a portion of its premises located in the Town of Jerusalem and with Stephan P. Simshauser and Denise T. Simshauser regarding the Town's obtaining a sanitary sewer and utility easement from them over a portion of their premises located in the Town of Jerusalem; and

WHEREAS, Town of Jerusalem officials have recommended to the Town Board that Keuka College and Stephan P. Simshauser and Denise T. Simshauser each grant to the Town a sanitary sewer and utility easement over their respective lands; and

WHEREAS, said easements have been offered by Keuka College and Stephan P. Simshauser and Denise T. Simshauser to the Town of Jerusalem; and

WHEREAS, the Town Board of the Town of Jerusalem is desirous of accepting said offered easements on behalf of said Town; and

WHEREAS, the Town Board of the Town of Jerusalem has examined said instruments and finds the consideration described above to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Jerusalem does hereby accept the Easement attached hereto as Exhibits 3 from Keuka College and the Easement attached hereto as Exhibit 4 from Stephan P. Simshauser and Denise T. Simshauser in accordance with the terms and conditions contained in said

instruments and directs that the same be recorded in the Office of the Clerk of the County of Yates, the fee for said recording to be borne by the Town, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

Clarification was provided as follows:

1. Attorney Graff confirmed the Grantor is free from all liens as stated in the easement, regardless of a mortgage.
2. Town Engineer Ackart will notify Tim McMichael of the Board's decision as he made the initial inquiry to the Town and 3' of sanitary sewer main remain on his premises.
3. KPSW Clerk Fenton will file the easements.

RESOLUTION #82-17

INTERMUNICIPAL MUTUAL AID AGREEMENT WITH YATES COUNTY

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays       0

Resolved the Supervisor be authorized to sign the Inter-Municipal Mutual Aid Agreement By and Between The County of Yates and The Town of Jerusalem for a term of five years.

RESOLUTION #83-17

2017 BUDGET AMENDMENT - SALT STORAGE BUILDING BAN PAYOFF

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays       0

Whereas, Resolution #164-14 authorized the issuance of a \$135,000.00 Bond Anticipation Note to finance the construction of a Salt Storage Building; and

Whereas, on May 5, 2016 the Town expensed a \$45,000.00 principal payment and renewed such Bond Anticipation Note for \$90,000.00; and

Whereas, this Bond Anticipation Note is to be renewed on May 5, 2017; and



Whereas, the Highway DB budget (9789.6 principal on debt code) for 2017 consists of a \$45,000 principal payment and the Highway Superintendent has determined that sufficient funds are available within the unassigned fund balance to pay off the \$90,000 Bond Anticipation Note in full on May 5, 2017;

NOW THEREFORE BE IT RESOLVED that the 2017 Highway DB budget (9789.6 principal on debt code) be amended to reflect an additional \$45,000 as the final principal payment on the Salt Storage Bond Anticipation Note, saving the Town an interest payment of \$1,795.00 for 2018.

RESOLUTION #84-17

DECLARE 2000 INTERNATIONAL S/A TRUCK AS SURPLUS EQUIPMENT

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Resolved that the 2000 International S/A Dump Truck with Plow and Wing VIN# 1HTSCAR8YH245064 be declared as surplus equipment; and, be it further

Resolved the proceeds from this sale be put into the Highway Equipment Reserve.

RESOLUTION #85-17

AUTHORIZE PURCHASE OF HIGHWAY MINI EXCAVATOR

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas the Highway Superintendent and the Highway Committee have received quotes for one, new mini excavator as follows

Kubota	\$54,354.00
Bobcat	\$53,785.18
Volvo	\$55,588.00
Milton Cat	\$55,220.00
John Deere	\$60,495.64

Whereas after review by the Highway Committee of quotes and specifications, has found the Cat 304E2 CR Excavator from Milton Cat on NYS OGS NJPA Heavy Equipment Contract #PC66988 to be the best value; now, therefore, be it

Resolved the Highway Superintendent be authorized to purchase one new mini excavator model 304E2 CR from Milton Cat at the bid price of \$55,220.00.

The proceeds for this purchase shall be taken from the DB 5130.2 account.

RESOLUTION #86-17

AUTHORIZE PURCHASE OF HIGHWAY EQUIPMENT TRAILER

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas the Highway Superintendent has received quotes for one, new #14,000 gvw equipment trailer as follows:

	Model	Price
Davis Trailer World	Belmont	\$6,295.00
CNY power Sports	PJ	\$6,400.00
Teitsworth	PJ	\$5,625.00
Fallon Trailers	Fallon	\$9,800.00

Whereas after review of the bids by the Highway Committee, it was determined the PJ Trailer from Teitsworth to be the best match and price; now, therefore, be it

Resolved the Highway Superintendent be authorized to purchase one new equipment trailer from Teitsworth in the amount of \$5,625.00

The proceeds for this purchase shall be taken from the DB 5130.2 account.

RESOLUTION #87-17

SOLE SOURCE DETERMINATION SEWER EXT. #2 GRINDER PUMPS

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas the Town of Jerusalem Procurement Policy and New York State Finance Law section 163 Purchasing services and commodities allow Sole Source procurement when properly justified;

and Whereas the Town of Jerusalem has previously standardized sole source procurement of sewage grinder pumps for the Keuka Park Sewer District Extension #2 (KPSD2) ;

and Further, the KPSD2 has over 280 E-One Grinder pumps and appurtenances installed , replacement pumps and parts in stock, as well as a maintenance system and equipment exclusively for E-One grinder pumps;

and Further, the nearby Town of Milo also exclusively uses E-One grinder pumps and Milo and Jerusalem cooperatively share E-One grinder pump resources from time to time ;

Now therefore be it resolved that E-One grinder pumps be the sole source for sewage grinder pumps and appurtenances for the KPSD2.

RESOLUTION #88-17

SOLE SOURCE DETERMINATION WATER METERS

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas the Town of Jerusalem Procurement Policy and New York State Finance Law section 163 Purchasing services and commodities allow Sole Source procurement when properly justified; and

Whereas the Town of Jerusalem has previously standardized for sole source procurement of water meters for the Keuka Park Consolidated Water District (KPCWD); and

Further, the KPCWD has over 1,000 Master Meter (manufacturer) and Badger water meters installed , replacement meters and parts in stock, as well as a Master Meter remote reading and billing system in place ; and

Further, the adjacent Town of Pulteney also exclusively uses Master Meter water meters and remote meter reading system and Pulteney and Jerusalem cooperatively share meter resources and remote reading system from time to time ;

Now therefore be it resolved that Master Meter and/or Badger be the sole source for water meters and appurtenances for the KPCWD.

UPDATE WATER CONNECTION STANDARDS

Tabled for further review by the KPSW Committee.

RESOLUTION #89-17

AUTHORIZE PURCHASE OF SEWER/WATER DEPT. LAWNMOWER

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas, the 2006 John Deere Lawn Mower LX280, is being replaced and no longer will no longer be needed; and,

Whereas, the Sewer/Water Dept. budgeted for the purchase of a new lawn mower to replace the 2006 John Deere Lawn Mower LX280 and,

Therefore; be it resolved that the Sewer/Water Dept. be authorized to purchase a Ferris Lawn Mower FEWIS600Z, 18.5 HP Kaw. 48"Z-Rider from Twin Pines Power Equipment of Penn Yan, NY in an amount not to exceed \$5,000.00; and,

Be It Further; that monies for this purchase be taken from the 2017 Sewer/Water appropriation; 70 percent 8340.2 and 30 percent 8120.2

RESOLUTION #90-17

DECLARE 2006 JOHN DEERE LAWN MOWER LX280 SURPLUS AND SCHEDULE PUBLIC HEARING TO SELL

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

ADOPTED       Ayes 4       Anderson, Jones, Killen, Parson  
                  Nays 0

Whereas, the 2006 John Deere Lawn Mower LX280 was replaced by Resolution #89-17 and is determined no longer needed; now, therefore, be it

Resolved as follows:

1. The 2006 John Deere Lawn Mower be declared as surplus.
2. Supervisor Killen will seek clarification of Town Law 198 (12) with regard to the sale of water and sewer surplus equipment.
3. If applicable, a public hearing be scheduled on May 17, 2017, at 7:10 p.m. to sell the surplus equipment.

RESOLUTION #91-17

SCHEDULE PUBLIC HEARING - SALE OF SURPLUS KPSW PICK-UP TRUCK

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson.  
Nays 0

Whereas the water and sewer 2012 Ford F-150 Pick-Up Truck was declared as surplus under Resolution #44-17; now, therefore, be it

Resolved as follows:

1. Supervisor Killen will seek clarification of Town Law 198 (12) with regard to the sale of water and sewer surplus equipment.
2. If applicable, a public hearing be scheduled on May 17, 2017, at 7:15 p.m. to sell the surplus equipment.

RESOLUTION #92-17

AUTHORIZE KPSW TRAINING - 2017 NY RURAL WATER ASSOCIATION'S 38<sup>TH</sup> ANNUAL TECHNICAL CONFERENCE & EXHIBITION

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson  
Nays 0

WHEREAS, New York Rural Water Association is hosting their 38<sup>th</sup> Annual Technical Training Work & Exhibition, Monday, May 22, 2017 through Thursday, May 25<sup>th</sup>, 2017 at the Niagara Falls Conference Center in Niagara, Falls, New York.

WHEREAS, Operator contact hours are a requirement of the New York State Department of Health for recertification. Accreditation of Operator contact hours will be given for attendance.

WHEREAS; Instruction and Training in included in the 2017 Sewer/Water budgets;

Therefore be it resolved to authorize attendance of (1) person for the Sewer & Water Department to attend the New York Rural Water Association's 38<sup>th</sup> Annual Technical Conference & Exhibition 2017 at a cost not to exceed \$850.00 with costs being split between the 8120 and 8340 funds.

RESOLUTION #93-17

PAINT TOWN HALL INTERIOR

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson

Nays 0

Resolved the Supervisor be authorized to expend up to \$500 for materials to paint the interior of the Town Hall starting with the hallway. SWEEPS or community service people will be used.

RESOLUTION #94-17

AUTHORIZE SUPERVISOR, PLANNING BOARD MEMBER AND CEO TRAINING - G/FLRPC 2017 SPRING WORKSHOP

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson  
Nays 0

Resolved attendance of three persons to the Genesee/Finger Lakes Regional Planning Council Local Government Workshop on May 19, 2017 in Pittsford, NY at a cost of \$75.00/person be authorized.

This expense to be funded as follows:

Supervisor Killen	1220.4 account
Planning Board member John Wheeler	8020.4 account
Code Enforcement Officer DeVoe	8010.4 account

RESOLUTION #95-17

AUTHORIZE SUPERINTENDENT TRAINING - 2017 HIGHWAY SCHOOL

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson  
Nays 0

Resolved the Highway Superintendent be authorized to attend the Association of Towns 2017 Highway School on June 12-14, 2017 in Ithaca, NY at a cost of \$110.00, with the expense being funded by the 5010.4 account.

RESOLUTION #96-17

REPLACE TOWN OF JERUSALEM OFFICE PARKING LOT LIGHT

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

ADOPTED Ayes 4 Anderson, Jones, Killen, Parson  
Nays 0

Whereas Town of Jerusalem Parking Lot has an installed streetlight for safety of staff and visitors, and

Whereas the bulb has burned out and needs rapid replacement, now

Therefore be it resolved the Steve McMichael be requested to order replacement head and install same in Town of Jerusalem Office for an amount not to exceed \$500.

RESOLUTION #97-17

ADD ADDITIONAL CONTRACTED DATA COLLECTOR

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Whereas; The Town of Jerusalem in order to achieve full assessment value on properties an additional data collector is required with funds taken from the present 2017 budget for data collection.

Therefore; It is recommended that we hire Bobbi Eckerland as an additional data collector at the rate of \$21.00/ site plus mileage going to each site. Ms. Eckerland will report to Vernon Brand town assessor.

ASSESSOR VEHICLE SIGNS

Magnetic signs will be ordered for the Assessor's vehicle and one set for the Data Collectors to share among vehicles.

PUBLIC COMMENT

- Road work will begin on Armstrong Road as weather permits.
- Empire Telephone currently provides phone service to the Town Hall. The office number is 315-595-6668.
- A new County Planner has been hired.

RESOLUTION #98-17

MOVE TO EXECUTIVE SESSION

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

ADOPTED       Ayes       4   Anderson, Jones, Killen, Parson  
                  Nays        0

Resolved that this meeting be interrupted to enter into Executive Session to **discuss the history of an employee.**

Highway Superintendent Martin and Town Clerk McMichael were asked to attend.

The Executive Session convened at 8:55 P.M.

RESOLUTION #99-17

RETURN TO REGULAR SESSION

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

ADOPTED	Ayes	4	Anderson, Jones, Killen, Parson
	Nays	0	

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:19 P.M.

With there being no further business, on a motion of Councilor  
Jones, seconded by Councilor Parson, the meeting was adjourned  
at 9:20 P.M.

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Sheila McMichael, Town Clerk



Exhibit 1  
Local Law No. C of the year 2017

A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the  
Town of Jerusalem

Be it enacted by the Town Board  
Town of Jerusalem

as follows:

Section 1. Chapter 145 of the Code of the Town of Jerusalem (Vehicles and Traffic) is hereby amended by adding a new Article II to read as follows:

ARTICLE II  
Parking

§ 145-10 Parking prohibited during certain hours.

- A. No person shall park a vehicle on any part of Lake Avenue between East Bluff Drive and Oak Street between the hours of 11:00 pm and 7:30 am of the immediately following day. This parking prohibition shall apply every day throughout the year.
- B. No person shall park a vehicle on any part of North Avenue between Central Avenue and Lake Avenue between the hours of 11:00 pm and 7:30 am of the immediately following day. This parking prohibition shall apply every day throughout the year.

Section 2. Chapter 145 of the Code of the Town of Jerusalem (Vehicles and Traffic) is hereby amended by adding a new Article III to read as follows:

ARTICLE III  
Enforcement, Costs and Penalties

§ 145-20 Enforcement

The provisions of this article may be enforced by the Town Highway Superintendent, any Yates County law enforcement officer or any New York State law enforcement officer.

§ 145-21 Removal of illegally parked vehicles

Any vehicle parked in violation of the provisions of Article II of this Chapter shall be removed at the expense of the owner to a garage, storage yard or other place of safety and stored at the expense of the owner. The removal and disposition of said vehicle shall be promptly reported to the Town Clerk.

§ 145-22 Costs of towing and storage

If an illegally parked vehicle is removed from a street or highway pursuant to § 145-21, the owner or other person lawfully entitled to the possession of such vehicle may be charged with a reasonable cost for removal and storage, payable to the Town Clerk before the vehicle is released.

A. The cost for removal shall be the greater of:

1. the actual cost charged to the Town by the person or entity who removed said vehicle from the street or highway and transported it to a garage, storage yard or other place of safety, plus 25%; or
2. an amount established by resolution of the Town Board.

B. The cost for storage shall be the greater of:

1. the actual cost charged to the Town by the person or entity who stored said vehicle, plus 25%; or
2. an amount established by resolution of the Town Board.

§ 145-23 Penalties for offenses

Every person convicted of violating any provision of this Chapter shall be punished by a fine of \$75 for a first offense, \$150 for a second offense and \$225 for every offense thereafter.

§ 145-24 Signage

Signs identifying the speed limits and parking restrictions established by this Chapter shall be posted on both sides of the aforementioned streets and highways in locations to afford proper notice of the regulations contained in this Chapter.

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.

Exhibit 2  
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 17<sup>th</sup> day of May, 2017, at 7:05 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 2017, entitled "A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem". This local law would amend Chapter 145 by adding parking restrictions on Lake Avenue and North Avenue and by adding regulations pertaining to enforcement, collection of costs and penalties for violations.

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, Town of Jerusalem, New York.

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

Exhibit 3

**SANITARY SEWER AND UTILITY EASEMENT**

THIS EASEMENT is made this 20<sup>th</sup> day of MARCH, 2017, by and between **Keuka College**, an educational corporation having an address of 141 Central Avenue, Keuka Park, New York, hereinafter referred to as the "Grantor"; and the **Town of Jerusalem**, a municipal corporation, having its main office at 3816 Italy Hill Road, Branchport, New York 14418, hereinafter referred to as the "Grantee".

The Grantor is the owner of certain premises known as the Keuka College Athletic Complex located on Skyline Drive in the Town of Jerusalem, Yates County, New York, bearing tax account parcel number 72.82-1-6, hereinafter referred to as the "Premises."

The Grantee is a municipal corporation which has determined that it is necessary for Town of Jerusalem purposes to obtain a sanitary sewer and utility easement over a portion of the Premises 20 feet in width, centered on an existing 2" HDPE pressurized sanitary sewer main line as previously installed and now existing on the Premises and extending from the point said main line enters the Premises from the easterly highway boundary of Assembly Avenue/Skyline Drive and extending in a generally southerly direction to the southerly boundary of the Premises, hereinafter referred to as the "Easement Area".

The Easement Area is part of the Premises conveyed to Grantor by deed dated October 13, 1998, and recorded October 13, 1998 in the Yates County Clerk's Office in Liber 402 of Deeds at Page 138.

In consideration of One Dollar (\$1.00), which has been waived, the mutual covenants set forth herein and other good and valuable consideration, the parties agree as follows:

The Grantor hereby grants, releases and conveys to the Grantee, its successors, assigns or special districts forever, a permanent sanitary sewer and utility easement over the Easement Area to construct, maintain, reconstruct, repair, use, lay, place and remove sewers, sewer mains and utilities, along with connections and appurtenances at or below ground level, for sanitary sewers and utilities and for the purpose of forever maintaining, repairing, replacing, enlarging or improving the whole or any portion of same from time to time as the Grantee may decide or require upon, along, under through and across the Easement Area. Together with all of the rights, privileges and appurtenances incident and necessary to the enjoyment of this easement and right-of-way.

This Permanent Easement is for the 2" mainline sewer only; the Grantor will continue to own, operate and maintain any sewer pumps and pressurized sewer lateral and appurtenances connected to said mainline sewer for the purpose of providing sanitary sewer collection service to the Premises or other properties.

To have and to hold the easement and right-of-way unto the Grantee and its successors and/or assigns forever.

At the termination of an occupancy hereby authorized, the Grantee will restore, at its expense, the lawn and shrubbery of the Easement Area and the area of the Premises so used only to as reasonably good condition as before insofar as it is feasible or reasonable to make such restoration.

Grantor for itself, its agents, distributees, heirs, successors and assigns covenants and agrees that no buildings or structures shall be constructed nor trees planted, nor shall changes be made to the grade of

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the land within the Easement Area nor shall there be any excavating, filling, mining or blasting within the limits of said Easement Area without the prior written consent of the Grantee.

The Grantee, its successors, assigns, agents or contractors, may at any time remove all obstructions from the Easement Area, including trimming or removal of trees and shrubs, which it reasonably determines are interfering with the operation, use or maintenance of any sewer, drainage channels, utility or any part thereof without liability to the Grantor.

Grantor warrants that it has good and marketable title to the Premises, free from all liens or encumbrances, and the right to create this easement for the benefit of the Grantee. Grantor covenants that the Grantee shall quietly enjoy this easement and shall forever warrant and defend title against all claims against the Premises.

The land of the Grantor adjacent to the Easement Area is not relieved by reason of the grant therefrom from the obligation to pay whatever water or sewer charges may be annually assessed and levied on such adjacent land by the town pursuant to the power conferred by statute.

The parties have executed this easement on the day and year first above written.

Keuka College

Town of Jerusalem

By: Jerry Hiller  
Jerry Hiller, Vice President  
for Administration and Finance

By: Patrick Killen  
Patrick Killen, Supervisor

STATE OF NEW YORK]  
COUNTY OF YATES] ss:

On the 20<sup>th</sup> day of March, 2017, before me, personally appeared **Jerry Hiller**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the individual upon behalf of which the individual acted, executed the instrument.

Mary Ellen Griffiths  
Notary Public

Mary Ellen Griffiths  
Notary Public, State of New York  
No. 01GR4966092  
Qualified in Yates County  
My Commission Expires April 30, 2018

STATE OF NEW YORK]  
COUNTY OF YATES] ss:

On the 21<sup>st</sup> day of MARCH, 2017, before me, personally appeared **Patrick Killen**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

Virginia A. Fenton  
Notary Public

VIRGINIA A. FENTON  
Notary Public No. 4720553  
Yates Co., State of New York  
Comm. Expires 12/31/ 18

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Exhibit 4

546/175

**SANITARY SEWER AND UTILITY EASEMENT**

THIS AGREEMENT EASEMENT is made this 21<sup>st</sup> day of MARCH, 2017, by and between **Stephan P. Simshauser and Denise T. Simshauser**, hereinafter referred to as the "Grantors"; and the **Town of Jerusalem**, a municipal corporation, having its main office at 3816 Italy Hill Road, Branchport, New York 14418, hereinafter referred to as the "Grantee".

The Grantors are the owners of certain premises known as the Trading Post located on Skyline Drive in the Town of Jerusalem, Yates County, New York, bearing tax account parcel number 72.82-1-7.1, hereinafter referred to as the "Premises."

The Grantee is a municipal corporation which has determined that it is necessary for Town of Jerusalem purposes to obtain a sanitary sewer and utility easement over a portion of the Premises 20 feet in width, centered on an existing 2" HDPE pressurized sanitary sewer main line as previously installed and now existing on the Premises and extending from the point said main line enters the Premises from the Keuka College Athletic Complex property at the Premises' northerly boundary line and then extending in a generally southerly direction to a point 10 feet south of the termination of said sewer main line or to the southerly boundary line of the Premises, whichever point comes first, hereinafter referred to as the "Easement Area".

The Easement Area is part of the Premises conveyed to Grantor by deed dated September 11, 2006, and recorded September 29, 2006 in the Yates County Clerk's Office in Liber 546 of Deeds at Page 175.

In consideration of One Dollar (\$1.00), which has been waived, the mutual covenants set forth herein and other good and valuable consideration, the parties agree as follows:

The Grantor hereby grants, releases and conveys to the Grantee, its successors, assigns or special districts forever, a permanent sanitary sewer and utility easement over the Easement Area to construct, maintain, reconstruct, repair, use, lay, place and remove sewers, sewer mains and utilities, along with connections and appurtenances at or below ground level, for sanitary sewers and utilities and for the purpose of forever maintaining, repairing, replacing, enlarging or improving the whole or any portion of same from time to time as the Grantee may decide or require upon, along, under through and across the Easement Area. Together with all of the rights, privileges and appurtenances incident and necessary to the enjoyment of this easement and right-of-way.

This Permanent Easement is for the 2" mainline sewer only; the Grantor will continue to own, operate and maintain any sewer pumps and pressurized sewer lateral and appurtenances connected to said mainline sewer for the purpose of providing sanitary sewer collection service to the Premises or other properties.

To have and to hold the easement and right-of-way unto the Grantee and its successors and/or assigns forever.

At the termination of an occupancy hereby authorized, the Grantee will restore, at its expense, the lawn and shrubbery of the Easement Area and the area of the Premises so used only to as reasonably good condition as before insofar as it is feasible or reasonable to make such restoration.

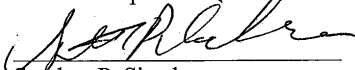
Grantor for itself, its agents, distributees, heirs, successors and assigns covenants and agrees that no buildings or structures shall be constructed nor trees planted, nor shall changes be made to the grade of the land within the Easement Area nor shall there be any excavating, filling, mining or blasting within the limits of said Easement Area without the prior written consent of the Grantee.

The Grantee, its successors, assigns, agents or contractors, may at any time remove all obstructions from the Easement Area, including trimming or removal of trees and shrubs, which it reasonably determines are interfering with the operation, use or maintenance of any sewer, drainage channels, utility or any part thereof without liability to the Grantor.


Grantor warrants that it has good and marketable title to the Premises, free from all liens or encumbrances, and the right to create this easement for the benefit of the Grantee. Grantor covenants that the Grantee shall quietly enjoy this easement and shall forever warrant and defend title against all claims against the Premises.

The land of the Grantor adjacent to the Easement Area is not relieved by reason of the grant therefrom from the obligation to pay whatever water or sewer charges may be annually assessed and levied on such adjacent land by the town pursuant to the power conferred by statute.

The parties have executed this easement on the day and year first above written.

  
Stephan P. Simshauser

Town of Jerusalem

  
Denise T. Simshauser

By: 

\_\_\_\_\_, its \_\_\_\_\_  
duly authorized \_\_\_\_\_ Patrick Killen,  
Supervisor

STATE OF NEW YORK]  
COUNTY OF YATES] ss:

On the 21 day of March, 2017, before me, personally appeared **Stephan P. Simshauser and Denise T. Simshauser**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the individual upon behalf of which the individual acted, executed the instrument.

  
Notary Public


SUSAN L. SNYDER  
Notary Public, State of New York  
Yates County, No. 01SN6011234  
Commission Expires August 3, 2018

STATE OF NEW YORK]  
COUNTY OF YATES] ss:

On the 24<sup>th</sup> day of MARCH, 2017, before me, personally appeared ~~the Town of Farmington, acting herein by~~ \_\_\_\_\_, its \_\_\_\_\_ **duly authorized Patrick Killen**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

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VIRGINIA A. FENTON  
Notary Public No. 4720553  
Yates Co., State of New York  
Comm Expires 12/31/18

  
NOTARY PUBLIC