

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 16, 2017 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, Doug Paddock, Ed Bronson, MJ Herson, Danny Brown, Ira Goldman, Tim Cutler, Paul Middlebrook, Jamie L. Sisson, Rhonda Sugalski, Mark Sugalski, Jorgen Overgaard, Gerald Pease, Rachael Hoban, Stephen Butchko, George Frantz, Adele Middaugh, Heather Tomkins, Chelsey Madia, Gary Smith, Barbara Hines, Heidi A. Bauer, Chris Hunt, Marianne Johnke, John Christensen; *Chronicle Express* Reporter

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

RESOLUTION #159-17

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the July 19, 2017 meeting be approved as read.

RESOLUTION #160-17

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:	\$ 13,803.74
Outside Village	\$ 319.74
Highway DB:	\$252,049.00
Sewer:	\$ 2,192.05
Water:	\$ 3,900.31
Branchport Light	\$ 242.81

July Utilities:

General:	\$ 400.87
Sewer:	\$36,682.06
Water:	\$ 546.76
Trust:	\$33,007.57

Councilor Jones will research requesting reimbursement on Attorney Graff invoices in the amount of \$1,501.50 for a steep slopes and \$916.50 for a zoning application.

RESOLUTION #161-17
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 July 2017 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2017 NOISE AMENDMENT

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:05 P.M., asking for comments on the proposed amendments to Chapter 107 Noise.

Jorgen Overgaard owns a rental house in Keuka Park and hopes the proposed amendment will help him enforce the noise clause written in his lease. College Security does not have authority on private property. It is rumored that the landlord is accountable, but he did not find that in the language.

Paul Middlebrook, West Lake Road, has been a resident for 47 years who had issues with rentals and College students in past years. He found the College to be of no help and was told the Sheriff and Troopers could not enforce the current law. We need a law that can be enforced.

MJ Herson, Wager Hill Road, stated concerns with noise from events at Crispin Hill operating as a Special Use banquet type facility at 2732 Wager Hill Road (permit #1058). He requested reasonable noise be a defined decibel reading.

Danny Brown, Wager Hill Road, echoed concerns with Crispin Hill events. He feels their noise level is excessive and calls the owner as they self-regulate to control noise.

Ira Goldman, Wager Hill Road, questioned the time of the Zoning Board conditions of approval for Crispin Hill. Will it be 12 midnight as in the proposed law or will it stay 10:00 P.M.?

Jamie Sisson, West Lake Road, had problems with student renters in the past and found talking to them resolved issues. He questioned how the Town will enforce this and suggested rethinking the draft.

Adele Middaugh, Wager Hill Road, echoed concerns with Crispin Hill events. She asked if the Sheriff had input and can this be enforced? She also feels it is important to have a measurement on the noise.

Barb Hines, Keuka Park, stated Sheriff Spike attended Keuka Park Association meetings and their minutes state landowners can be held accountable. She has three children and noted regulating noise from students is a hard thing. She heard semi-automatic rifles this weekend and was informed there is a shooting range in the Assembly/54A area.

Heather Tompkins spoke to comments as the owner of Crispin Hill. They have not received noise complaints until this year. She apologized for her oversight at an event when she allowed music to continue until 10:35, not enforcing the 10:00 P.M. shut down. The DJ is now instructed to play the last song at 9:55 P.M. Staff drive up the road to do a sound check. She is trying to be respectful of the neighbors.

Gary Smith made several comments; the definition of "Person" was changed to be more encompassing, change hours of repose to 10:00 P.M. on Friday and Saturday, 107.4 Exceptions B. clarify celebrations by making the intent clearer on municipality permitted celebrations, 107.4 Exceptions C. eliminate radio, other instrument, apparatus, or device, 107.4 Exceptions E. be consistent with F. and G. and not allow 24-hour operation, 107.4 H. change squalling to squealing, 107.5 Enforcement - change "by" to "to" the Yates County Sheriff's 911 Center or "to" a law enforcement officer.

Ira Goldman asked if repeat offenders can be taken to court if there are enough instances.

Heidi Bauer, West Lake Road, stated she understood the judge doesn't enforce the noise law.

Jorgen Overgaard stated he would compromise the hours of repose on the weekends to 11:00 P.M.

MJ Herson feels past 10:00 P.M. is intrusive in a residential area.

Heather Tompkins again stated since knowing of the problem, Crispin Hill owners have been respectful of the neighbors and check on the noise level.

Chris Hunt, Esperanza Road stated partying continued in the parking lot when Esperanza Mansion was open. He agrees the hours of repose should be 11:00 P.M.

Mary Ann Johnke, Keuka Park, lives next door to a house rented to students. Some years they are respectful and others need to be called weekly to control the noise. She asked if offenders are counted individually or the total within the same house. Clarification will be needed from the Town Attorney. She asked if Christmas music left playing over the loud speakers on campus after students have left for the holiday is an exception. She feels the proposed law is a step in the right direction and commended all those involved with it.

Adele Middaugh feels her property value is changing and questioned her ability to sell her house with an event center in the neighborhood.

Board members noted: Sheriff Spike worked on the draft law. Judge Davison is on board with the proposed changes. The Town does not enforce this; people have to call law enforcement and sign a statement.

The hearing was left open.

PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE - 4663 VINE ROAD

Supervisor Killen opened the public hearing at 7:50 P.M. to consider a highway encroachment license request for 4663 Vine Road. Michael R. McGinnis & Bruce W. McGinnis are selling the subject property to Gregory W. and Monica M. Macalusos and have requested permission to keep and maintain the encroaching structure in its present location. Highway Superintendent Martin submitted a written report on his findings that the preliminary determination indicates that such encroachment does not adversely impact upon the users of the town (Resolution #139-17).

The proof of certified mailing to surrounding property owners was received by Town Clerk McMichael in accordance with Town Law 130.

Tim Cutler stated he had no opposition to the requested encroachment.

Jim Toomey telephoned on August 1st stating he had no opposition to the requested encroachment.

The hearing was left open.

PRESENTATION - KEUKA LAKE WATERSHED MASTER PLAN

Stephen Butchko, Wayne Town Supervisor introduced and summarized the development of the Sustainable Keuka Watershed Master Plan to examine how stakeholders in the Keuka Lake vicinity can take steps to ensure a healthier, more vibrant region. The research for this Master Plan was made possible with funding from the New York State Department of State Local Waterfront Revitalization Program (LWRP), which provides reimbursement and technical assistance to municipalities "to prepare and implement strategies for community and waterfront revitalization."

Under the guidance of George Frantz (Cornell University Visiting Lecturer, AICP, ASLA), Stephen Butchko, the Southern Tier Central Regional Planning and Development Board, and regional public officials and community members, students from Cornell University's Land Use Planning Workshop produced the Watershed Master Plan to align with LWRP goals.

Professor Frantz presented the final report which highlights shared values among Keuka municipalities, as well as resources to preserve and enhance what locals value most about their communities. The presentation outlined regional assets, an inventory and analysis of Keuka-area comprehensive plans, and recommendations to help municipalities more effectively address environmental, economic, and cultural goals on a regional scale. Professor Frantz stated his desire to continue conversation on potential programs to preserve identified top viewsheds. The next step in this process is to convene community meetings in the coming months.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Armstrong and Belknap Hill will be oil and stoned on Monday.
- The mini excavator has been delivered.
- Gravel crushing is done.
- We expect the new truck to be built by December.
- The Town of Italy has expressed an interest in abandoning Charlie Emerson Road which is in both Italy and Jerusalem.
- Mrs. English thanked the Highway Department for the work done on Brown Hill.

TOWN ENGINEER

- Notes of the August 10, 2017 KPSW meeting on file in the Office of the Town Clerk.

ASSESSOR

- Report on file.
- 92% of the data collection is complete.

RESOLUTION #162-17

AMEND RESOLUTION #149-17 AUTHORIZING ADDITIONAL FUNDS FOR DATA COLLECTION

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

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

Resolved Resolution #149-17 be amended to state Assessor Brand will complete the commercial and agricultural properties as directed by ORPTS.

COUNCIL

The tires taken in on Clean-Up Day were picked up last week. The Electronic Waste Assistance Grant was submitted to DEC requesting reimbursement for expenses incurred for electronics.

SUPERVISOR

- KLOC dues will increase 50% for the 2018 budget. Alternate funding sources will be sought for needed repairs on the locks estimated at \$80,000. The KWIC budget will remain the same. Yates County Soil & Water will increase 2%.
- KWIC has been awarded grant funds from NYS DEC for the eradication or remediation of the Starry Stonewort invasive species. (Resolution #49-17)
- The County Shared Service Initiative Plan was shared with the Town Board. The panel was charged with formulating a plan to share services or merge government functions that would yield property tax savings for County residents. Their focus was on consolidation of justice courts and health insurance consortia. Three public hearings will be held on August 28, August 31 and September 5 at the Yates County Auditorium at 6:00 P.M.
- National Incident Management System training is scheduled for September at the Branchport Fire Station. Training is recommended for Highway Superintendents and Supervisors.

SUBCOMMITTEE REPORTS:

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

The Subcommittee held its first meeting last night. The next meeting is September 18th. The goal is to have the review completed by year end 2018.

RESOLUTION #163-17

SET PUBLIC HEARING (202-B) FOR PROPOSED SEWER PROJECT

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 proposed improvements to the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 pursuant to Section 202-b of the NYS Town Law; and

WHEREAS, the Town Engineer has prepared a map and plan showing the proposed improvements to consist of relining sections of the existing sanitary sewer system with a trenchless, cast in place, pipe liner and full rehabilitation of the existing manholes. The project also includes a required contribution to the Village of Penn Yan for recent maintenance/upgrades to their sanitary sewer collection system.

WHEREAS, the plan shows the estimated costs of these improvements to be \$172,500.00 with an additional capital contribution of \$50,000 toward the village of Penn Yan Improvements Project, such estimated costs to be the responsibility of the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3. All of this \$222,500.00 is to be financed and repaid by the owners of property within the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing, to be held on September 20, 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, directed 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 "1", such notice to be published not less than ten nor more than twenty days before the day set herein for the public hearing; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the Notice of Public Hearing on the Town of Jerusalem sign board, not less than ten nor more than twenty days before the day set herein for the public hearing.

RESOLUTION #164-17
CERTIFIED LIST OF HIGHWAY OPERATORS

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

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

Resolved the Highway Superintendent certifies the following employees as qualified and they be approved to operate Milo highway equipment and/or vehicles in accordance with the Intermunicipal Cooperation Agreement for Use of Town of Milo Vehicles and/or Equipment by Other Municipality:

Rob Martin	Highway Superintendent
Barry Martin	H.E.O.
Frank Fitzwater	H.E.O.
Anthony Hurd	M.E.O.
Chad McMinn	M.E.O.
Jeff Viele	M.E.O.
Dan Wheeler	M.E.O.
Jason Tietjen	M.E.O.

RESOLUTION #165-17
INTERMUNICIPAL ASSISTANCE AGREEMENT BETWEEN TOWN OF MILO & TOWN OF JERUSALEM

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

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

Resolved the Supervisor be authorized to execute the Intermunicipal Assistance Agreement Between Town of Milo & Town of Jerusalem as recommended by the KPSW Committee.

RESOLUTION #166-17
AUTHORIZE PAYMENT TO WATER SAFETY INSTRUCTORS

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

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

Whereas we were unable to fill the Water Safety Instructor position

for the 2017 Summer Recreation Program; and

Whereas the Department of Health requires a Water Safety Instructor to administer a swim test before allowing campers to swim; and

Whereas Recreation Program Supervisor Eggleston identified two Water Safety Instructors in Bath, New York to evaluate our campers; now, therefore, be it

Resolved that Barbara Fries and Kaylin Fries each receive \$50.00 for their service and travel cost, to be funded from 7310.4.

RESOLUTION #167-17

AMEND RESOLUTION #133-17 RECREATION PROGRAM STAFF APPOINTMENTS

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

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

Whereas the job titles listed in Resolution #133-17 appointing the 2017 Recreation Program staff were not approved Civil Service titles; now, therefore, be it

Resolved the following appointments be amended:

Seana Wilmont Recreation Assistant
Morgan Christler Recreation Assistant

RESOLUTION #168-17

2017 BUDGET AMENDMENT - WATER/SEWER CAPITAL PROJECT

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

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

Whereas, the Keuka Park Water and Sewer committee is recommending that the Town Board amend the 2017 Water budget and the 2017 Sewer budget in order to manage expenditures related to each capital project and

Whereas, it has been determined, based on the 2016 Independent Audit, that the Keuka Park Water and Sewer Funds have resources available within the Assigned Unappropriated Fund Balance and

Whereas, the Keuka Park Water and Sewer committee ask that funds be available for payments related to each capital project

BE IT RESOLVED that the Town Board amends the 2017 Water Budget by

allocating \$25,000 from the Assigned Unappropriated Fund Balance to 8310.4.13 Administrative contractual sub code .13 and

BE IT RESOLVED that the Town Board amends the 2017 Sewer Budget by allocating \$20,000 from the Assigned Unappropriated Fund Balance to 8110.4.12 Administration contractual sub code .12.

RESOLUTION #169-17

PURCHASE OF A LOCATOR FOR WATER/SEWER DEPARTMENT

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

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

Whereas; the current Heath Tech LS-800 Locator will not measure depth of water and sewer lines and must be replaced. The Locator is an instrument that is used on a daily basis.

Therefore; be it resolved that the Sewer/Water Dept. be authorized to purchase a locator, Vivax Metrotech vLocPro2 in an amount not to exceed \$3,808.00; 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 #170-17

AUTHORIZE PURCHASE OF HYDRANTS

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

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

Whereas, in an effort to maintain the water hydrants in the district. The KPSW Dept. must purchase three hydrants. Two water hydrants are in need of replacement in Keuka Park at this time. The department will have one hydrant on hand at all times.

Therefore; be it resolved that the Sewer/Water Dept. be authorized to purchase 3 each - Kennedy Hydrants K81D 5'6 OL NST and associated items to not exceed \$8,010.00.

Be It Further; that monies for this purchase are taken from the 2017 water appropriation account 8340.2

RESOLUTION #171-17

AUTHORIZE PURCHASE OF SEWER/WATER PRESSURE WASHER

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

following was

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

Whereas, the Sewer/Water Dept. will be maintaining, rebuilding and installing grinder pumps for Sewer District #2. A hot water pressure washer is required for the KPSW work station.

Therefore; be it resolved that the Sewer/Water Dept. be authorized to purchase a 1500 psi. Hot Water Pressure Washer, Mi-T-M HSE-1502-0MM11 from Amazon, in the amount not to exceed \$2,200.00.

Be It Further; that monies for this purchase are taken from the 2017 Sewer appropriation account 8189.4.

RESOLUTION #172-17

YATES COUNTY PLANNING BOARD AGREEMENT

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

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

Whereas the Yates County Planning Board presented an agreement that certain proposed land use actions are of local, rather than inter-community or County-wide concern, and therefore not subject to referral to the Yates County Planning Board as would otherwise be required by Section 239-m and n; and

Whereas the Yates County Planning Board approved said agreement at their July 27, 2017 meeting; now, therefore, be it

Resolved the Supervisor be authorized to execute the Agreement between the Yates County Planning Board and the Town of Jerusalem exempting certain minor land use actions from Yates County Planning Board Review; and, be it further

Resolved that copies of said Agreement be given to the Zoning Department Code Enforcement Officer and Clerk.

RESOLUTION #173-17

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2017 NOISE AMENDMENT

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

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

With all persons desiring to be heard, Supervisor Killen closed the hearing at 9:06 P.M.

The regular meeting was reconvened.

The Board will take comments and suggestions under consideration. SEQOR needs to be done.

RESOLUTION #174-17

CLOSE PUBLIC HEARING - HIGHWAY ENCROACHMENT LICENSE 4663 VINE ROAD

On a motion of Councilor Jones, 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 hearing on the highway encroachment license at 9:07 P.M.

PUBLIC COMMENT

- County Legislator Doug Paddock reported the draft submitted by the Shared Services Plan Initiative panel was accepted.
- The County Finance Committee recommended a 10% increase in the 2018 budget capital plan for roadwork.
- County Legislator Ed Bronson reported on the Yates Transit System. Three new buses will be purchased locally from Coach and Equipment. A summer route is being investigating for the future.

RESOLUTION #175-17

GRANT HIGHWAY ENCROACHMENT LICENSE - 4663 VINE ROAD

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

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

WHEREAS Michael R. McGinnis & Bruce W. McGinnis, owning property at 4663 Vine Road with the intent to sell the subject property to Gregory W. and Monica M. Macalunos, in the Town of Jerusalem have applied for permission to continue and maintain so much of their residential structure at that location as lies within the bounds of Vine Road as per the survey map prepared by Richard Daugherty and filed with the Town Clerk, and

WHEREAS the Highway Superintendent has reported that his opinion is that the encroaching structure does not interfere with the use of Vine Road, and

WHEREAS pursuant to Town Law §130 (7) (g) a hearing was duly held by this Town Board on August 16, 2017, and

WHEREAS notice of the hearing was given in accordance with law,

NOW THEREFORE BE IT RESOLVED:

1) That the Town Board finds that the encroaching structure at 4663 Vine Road does not interfere or impede the use of Vine Road at the present time; and

2) That the Supervisor is hereby authorized to execute and deliver the License Agreement with Gregory and Monica Macaluso granting a license to continue and maintain the encroaching structure pursuant to §130(7) in the form presented to this meeting, a copy of which is made a part hereof.

THIS AGREEMENT, entered into this 16th day of August 2017, by and between the Town of Jerusalem (the "Town"), a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices at 3816 Italy Hill Road, Branchport, NY 14418, and Gregory W. & Monica M. Macaluso, ("Licensee"), an individual(s) residing at 4663 Vine Road, Penn Yan, New York 14527.

WHEREAS, Licensee is the owner of certain real property located at 4663 Vine Road (and other lands) in the Town of Jerusalem, Yates County, New York, identified as Tax Map Parcel No. 110.40-1-1 & part of 110.40-1-2 (the "Property"); and

WHEREAS, Vine Road is a Town Highway (the "Town Highway") maintained by and under the control of the Town; and

WHEREAS, the Town and Licensee have reviewed a survey map of the Property, made by Richard Daugherty, a licensed surveyor, dated May 7, 2017, (the "Survey") which said Survey shows a [] front / [X] exterior wall of a building described as a block garage, located on the Property encroaching onto the Town Highway by up to 3.4 feet (the "Encroachment"); and

WHEREAS, Licensee has submitted a written request to the Town, pursuant to Section 131 7. (f) of the New York State Town Law, requesting authorization to maintain the Encroachment during the time such wall is in existence; and

WHEREAS, the Town has followed the procedure in Section 131 7. (g) and (h) of the New York State Town Law and the Town Board has determined, by resolution approved on August 16, 2017, that the

Encroachment does not interfere or impede the right of the public to use such Town Highway.

NOW, THEREFORE, WITNESSESTH, that, as a result of the foregoing, the Town and Licensee, for the consideration hereinafter named, do hereby mutually agree as follows:

1. The Town hereby gives and grants to Licensee a revocable license (the "License") to allow the Encroachment to remain as presently located, as is shown on the Survey, during the period such front or exterior wall constituting the Encroachment is in existence.

2. The Town has the authority conferred upon it by Section 130 7. (h), as amended, to revoke this license at any time in the event the Town Board determines that such Town Highway will be improved and, as a result of such improvement, the encroaching front or exterior wall that is the subject of this License will then impede, interfere with or obstruct traffic or the use of the Town Highway.

3. The License is made upon the condition that the building causing the Encroachment may not be further extended and may not be modified to encroach into a different area of the Town Highway or other than is shown on the Survey.

4. Licensee agrees that if the building causing the Encroachment is ever destroyed or if the building causing the Encroachment ever needs to be rebuilt, replaced or removed, Licensee(s), their heirs, successors or assigns, will replace and/or rebuild the building totally within the lot lines of the Property and totally outside the Town Highway.

5. Licensee agrees to reimburse the Town for any and all damages or injury to any real property, personal property or capital improvements of the Town that may arise, directly or indirectly, from the negligence, acts, or omissions of Licensee, its officers, members, contractors, agents, employees, estate representatives, successors, or assigns, as a result of the Encroachment or of the License.

6. Licensee agrees that it will defend, indemnify, and save harmless the Town from any and all suits, actions, or causes of action of every name and description brought against the Town, its officers, employees, boards or departments for or on account of any injuries or damage, whether to a person, to property or to both, received or sustained by any person or persons by or from the negligence, acts, or omissions of Licensee, its officers, members,

contractors, agents, employees, estate representatives, successors, or assigns, as a result of the Encroachment or of the License.

7. The revocable license granted herein (a) is not a conveyance of real property, (b) is not intended to grant or convey to Licensee the exclusive use of the portion of the Town Highway on which the Encroachment sits, (c) is granted subject to grants, conveyances, easements, and rights-of-way heretofore made to others, and (d) is granted subject to the rights of the Town and the public, which the Town hereby reserves, to (i) use and enjoy the lands within the Town Highway right-of-way in any manner that does not unreasonably interfere with the right herein granted to Licensee, and to (ii) use and enjoy the lands within the Town Highway right-of-way in any manner a town highway shall or may be used in accordance with New York State law.

8. The provisions of Paragraphs 5 and 6 of this Agreement shall survive any termination of the revocable license or of this Agreement.

9. Licensee shall not assign this Agreement, or their right, title, or interest herein.

10. This Agreement shall be construed in accordance with the laws of the State of New York, and constitutes the complete understanding and agreement of the parties. No modification or amendment of any of the provisions hereof shall be valid unless in writing and signed by all parties hereto.

With there being no further business, on a motion of Councilor Anderson, seconded by Councilor Jones, the meeting was adjourned at 9:14 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

**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 20th day of September, 2017, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to consider proposed improvements to the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3 pursuant to Section 202-b of the New York State Town Law.

The proposed improvements consist of relining sections of the existing sanitary sewer system with a trenchless, cast in place, pipe liner and full rehabilitation of the existing manholes. The project also includes a required contribution to the Village of Penn Yan for recent maintenance/upgrades to their sanitary sewer collection system.

The plan shows the estimated costs of these improvements to be \$172,500.00 with an additional capital contribution of \$50,000 towards the village of Pen Yan Improvements Project, such estimated costs to be the responsibility of the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3. All of this \$222,500.00 is to be financed and repaid by the owners of property within the Keuka Park Sewer District, Keuka Park Sewer District Ext. #1, Keuka Park Sewer District Ext. #2, Keuka Park Sewer District Ext. #2A, and Keuka Park Sewer District Ext. #3.

Any resident of the Town of Jerusalem shall be entitled to be heard upon this matter at such public hearing. Copies of the proposed map and plan showing these proposed improvements 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
Town of Jerusalem