

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 18, 2019 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin.

Excused: Town Engineer Ackart.

GUESTS: Tim Cutler, Steve Castner, Ed Bronson and John Christensen; *Chronicle Express* Reporter

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

CHANGES TO THE AGENDA

Delete Resolution to Execute Larson Design Group Contract. It will be on the 2020 Organization Meeting agenda.

Add Resolution - Water Capital Project Contract Increases and Payment

RESOLUTION #230-19

APPROVAL OF MINUTES

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved that the minutes of the November 20, 2019 meeting be approved with the amendment on page 1. to change "special" meeting to "regular" meeting.

RESOLUTION #231-19

AUDIT OF CLAIMS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

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

General:	\$12,633.48
Outside Village	\$ 600.47
Highway DB:	\$40,775.82
Sewer:	\$ 4,237.76
Water:	\$17,239.09
Branchport Light	\$ 265.81
Capital:	\$59,060.31
Trust:	\$ 3,714.00

November Utilities:

General: \$ 60.89
Trust: \$24,788.96

RESOLUTION #232-19
SUPERVISOR REPORT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of November 2019 be accepted as presented.

RESOLUTION #233-19

PUBLIC HEARING - PROPOSED LOCAL LAW E-2019 KENNEL REGULATIONS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:03 P.M., asking for comments on the proposed kennel regulations.

No one from the public wished to comment.

RESOLUTION #234-19

PUBLIC HEARING - PROPOSED LOCAL LAW G-2019 AMEND REGULATIONS
PERTAINING TO SEWER AND WASTEWATER MANAGEMENT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

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 the sewer and wastewater management regulations.

No one from the public wished to comment.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Winter work is underway.
- Siding is being installed on the Town Barn when weather permits.

- Highway Superintendent Martin thanked the Board for his gift card and picture in honor of his retirement.

TOWN ENGINEER

- Notes of the December 12, 2019 KPSW meeting on file in the Office of the Town Clerk.
- The water rehab capital project is complete for this year. General cleanup will be finalized in the spring.
- The Department of Health met with Water Operator /Wastewater Maintainer Brad Donovan and now a licensed C and D operator.
- The water tank painting bid will be awarded at the January meeting.

ASSESSOR

- Report on file.

COUNCIL

- Concerns from the Planning Board regarding pre-construction meetings have been clarified with CEO DeVoe. The Planning Board will define the construction sequence in their decisions.
- A public safety concern at 3742 Italy Hill Road is being addressed. Councilor Sisson will discuss this with CEO DeVoe.
- Town staff will be dismissed early tomorrow following their holiday luncheon.
- Highway Superintendent Martin will follow up with Yates County on signs for the recently enacted parking regulations in Keuka Park.

SUPERVISOR

- The tax cap report was filed with the State.
- The \$782,000 water rehab capital project bond closed today.
- The County Shared Services Initiative panel is meeting at 4:00 on December 19th.
- Supervisor Killen stated he ends his term as Supervisor with mixed emotions as he moves to the County Legislator position.
- Councilor Sisson resigned his position to assume the Town Supervisor position on January 1, 2020.

RESOLUTION #235-19

SEQR DETERMINATION - LOCAL LAW NO. E-2019 KENNEL REGULATIONS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

WHEREAS, the Town of Jerusalem Town Board, hereinafter referred to

as Town Board, has determined proposed Local Law E-2019 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Environmental Assessment Form prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

RESOLUTION #236-19
REAPPOINT ASSESSOR

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Whereas the Town of Jerusalem appointed Vinnie Fischer as sole appointed assessor by resolution 159-19 for a 6-year term from October 1st 2019 through September 30th, 2025, and

Whereas the assessor is required to take an oath of office within 30 days to file with the Town Clerk, and

Whereas the oath was administered December 3rd, which is beyond the statutory requirement,

Whereas Vinnie Fischer has worked diligently and continuously as the Sole Appointed assessor for Jerusalem from that appointment through today,

Therefore be it resolved that the Town of Jerusalem hereby reappoints Vinnie Fischer to the sole appointed assessor term as previously approved in resolution 159-19 effective immediately, and directs that the Town Clerk administer his oath of office to be completed and filed before December 31st, 2019.

RESOLUTION #237-19

EMPLOYEE HOLIDAY LUNCHEON AND EARLY RELEASE 12/19/19

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Town staff be excused from duty to attend the Holiday Party at 12:00 noon on December 19, 2019, with the exemption of emergency personnel.

RESOLUTION #238-19

CONTRACT INCREASES AND PAYMENT - WATER CAPITAL PROJECT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas Larson Design Group (LDG) on behalf of the Town of Jerusalem (TOJ), has reviewed the submitted Change Order and Final Payment Application from V&B Underground Utilities Inc. and request payment for the following:

Change Order No. 001 - Increase of \$19,591.31 for additional scope of work to bring the total Construction Contract value to \$560,524.01.

LDG Design Change Order #1 - Increase of \$9000 for additional scope of work to bring the total Engineering Contract to \$107,000.

Application for Payment #5 - to V&B Underground in the amount of \$48,463.31. Only the 5% retainage of \$28,026.20 remains in the contract for restoration in the Spring.

Now, therefore be it resolved the Supervisor be authorized to sign Changer Order No. 001, LDG Design Change Order #1 and Application for Payment #5 as presented.

RESOLUTION #239-19

SCHEDULE JANUARY 2020 ORGANIZATION MEETING

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Organization Meeting be held at 5:00 P.M. on January 6, 2020.

RESOLUTION #240-19

2019 HIGHWAY DB BUDGET AMENDMENT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas, \$120,531.00 remains within the 5130.2 (Machinery Equipment) after the purchasing of equipment in 2019; and

Whereas, Highway Superintendent Martin desires funds be made available to purchase a Class 6 Plow Truck in 2020; and

Whereas, the Town designates funds within the Highway Machinery Capital Reserve to be utilized for such equipment purchases; now, therefore, be it

Resolved that the Town Board approves and amends the Highway 2019 DB budget to capitalize on the \$120,531.00 available within the 5130.2 (Machinery Equipment) to be transferred to the Highway Machinery Capital Reserve.

RESOLUTION #241-19

AUTHORIZE CEO TO ATTEND FINGER LAKES BUILDING OFFICIALS ASSOCIATION (FLBOA) TRAINING

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Code Enforcement Officer Zac DeVoe be authorized to attend the Finger Lakes Building Officials Association training at the RIT Conference Inn, Rochester on March 9-11, 2020 at a cost of \$390 registration, \$120 meal reimbursement, plus lodging.

CREDIT CARD PAYMENT AT TOWN CLERK OFFICE

Following clarification on the BAS tax software, Supervisor Killen withdrew his proposed resolution on credit and debit card payments. Online tax payments can be processed as of January 1, 2020.

RESOLUTION #242-19

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW E-2019 KENNEL REGULATIONS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

With all persons desiring to be heard, Supervisor Killen closed the hearing at 7:37 P.M.

The regular meeting was reconvened.

RESOLUTION #243-19

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW G-2019 AMEND REGULATIONS PERTAINING TO SEWER AND WASTEWATER MANAGEMENT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
Nays 0

With all persons desiring to be heard, Supervisor Killen closed the hearing at 7:38 P.M.

The regular meeting was reconvened.

RESOLUTION #244-19

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 6 OF 2019 ENTITLED "A LOCAL LAW TO AMEND REGULATIONS OF THE CODE OF THE TOWN OF JERUSALEM PERTAINING TO SEWERS AND WASTEWATER MANAGEMENT"

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

ADOPTED BY ROLL CALL VOTE

Councilor Jones	Aye
Councilor Anderson	Aye
Supervisor Killen	Aye
Councilor Sisson	Aye
Councilor Stewart	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on December 18, 2019, at 7:05 p.m. at the Jerusalem Town Hall, 3816

Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on December 4 and 11, 2019 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 18, 2019, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 6 of 2019, entitled "A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of the adoption of said local law to the Secretary of State of New York.

PUBLIC COMMENT

- Yates County approved the contract with Pictometry. Towns will pay 40% of the annual costs.
- Yates Transit has seen a rise in Dundee ridership and a decrease in Naples ridership.
- The January 2020 Criminal Justice Reform Act and its local impact was discussed.
- Yates County Soil & Water is the recipient of a grant to work with local farms to prevent erosion.
- Yates County was awarded a \$10.3M grant to expand broadband in un- and underserved areas.
- Illegal immigrants are now able to obtain NYS driver's licenses.

PRESENTATION

Councilor Sisson presented gift cards to Supervisor Killen and Councilor Anderson thanking them for their service as their terms expire December 31st.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Stewart, the meeting was adjourned at 7:50 P.M.

Sheila McMichael, Town Clerk

Local Law No. 6 of the year 2019

A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management

Section 1. Article IV (Use Regulations) of Chapter 131 (Sewers) of the Code of the Town of Jerusalem is hereby amended with the insertion of a new Section 131-20.1 to read as follows:

§ 131-20.1 Periodic pump outs.

Those connected to the public sewer system may make periodic pump outs which promote environmental sustainability, recycling, and facilitate the efficient functioning of the public sewerage system. The Owner shall maintain a Log, of any such pump outs giving the date, waste hauler, volume and destination or disposal site.

Section 2. Paragraph A. of Section 150-4 (Disposal of wastewater) of Chapter 150 (Sewers) of the Code of the Town of Jerusalem is hereby repealed and a new Paragraph A is hereby inserted in its place to read as follows:

A. Wastewater from any new construction shall be directly connected to the public wastewater disposal systems if available and accessible within 200 feet of the property line.

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.