

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 20, 2019 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

Excused: Councilor Sisson

GUESTS: Andy Sprague & Kayla Wagner of Sprague Insurance, Tim Cutler, Ed Bronson, John Manley, Ignatius Scott, 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

The NYMIR insurance presentation will follow the Supervisor's Report.

RESOLUTION #54-19

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 20, 2019 meeting be approved as read.

RESOLUTION #55-19

AUDIT OF CLAIMS

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

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

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

General:	\$25,375.02
Outside Village	\$ 122.07
Highway DB:	\$15,140.26
Sewer:	\$40,203.73
Water:	\$60,514.79
Branchport Light	\$ 265.81
Trust:	\$ 4,385.50

February Utilities:

General:	\$ 951.76
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Outside Village: \$ 40.21
Highway DB: \$ 210.41
Sewer: \$ 269.17
Water: \$ 1,108.23
Trust: \$28,377.03

RESOLUTION #56-19
SUPERVISOR REPORT

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

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

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

NYMIR INSURANCE PROPOSAL

Kayla Wagner, Sprague Insurance presented an overview of the NYMIR Insurance Proposal. The 2019-2020 annualized insurance premiums will increase 1.6% to \$42,433.99. The increase will be 11% if we include an option to cover our fire hydrants. CBIZ Valuation Group will update our insurance valuation report of property assets in 2020.

RESOLUTION #57-19
INSURANCE POLICY RENEWAL

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

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

Whereas following discussion it was determined there is not a need for additional fire hydrant coverage; now, therefore, be it

Resolved the 2019-2020 insurance policy be renewed with Sprague Insurance at a cost of \$42,433.99.

RESOLUTION #58-19
PUBLIC HEARING - PROPOSED LOCAL LAW B-2019 KEUKA PARK PARKING REGULATIONS

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

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

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:15 P.M., asking

for comments on the proposed amendments to Chapter 145 adding new parking regulations in Keuka Park.

Supervisor Killen stated a point of discussion is the exemption on Sundays as included in the draft local law by Attorney Graff.

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.

TOWN ENGINEER

- Notes of the March 7 & 14, 2019 KPSW meeting on file in the Office of the Town Clerk.

ASSESSOR

- Report on file.
- Follow-up phone reminders were made on exemption paperwork.
- The Assessor held a meeting with the contesting party that may resolve an Article 7 filing.
- A leave request was submitted by the Assessor for April 15-19.

COUNCIL

- Councilor Stewart stated Water Operator/Wastewater Maintainer Lee Hardy is currently on vacation and will retire on March 31st.
- Councilor Jones reported on issues brought forth by Annette Toasperm regarding a recent Zoning Board decision. Following discussion with the Zoning, Planning, and Town Boards and Code Enforcement Officer DeVoe, it was concluded there will be no further action taken on this matter
- Planning Board Chair Cutler will follow up on the need for Zoning Code notebooks for Planning and Zoning Board members.

SUPERVISOR

Supervisor Killen suggested monies be invested in CDs as rates are starting to increase. The Highway and KPSW Committees will look into this further.

RESOLUTION #59-19

DECLARE 2012 FORD ESCAPE AS SURPLUS EQUIPMENT

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

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

Resolved the 2012 Ford Escape be declared as surplus equipment;
and, be it further

Resolved the vehicle be detailed and advertised for sale by the
Code Enforcement Officer in the Town Hall parking lot or on the
Auctions International site.

Councilor Stewart stated KPSW appreciated using it.

SUBCOMMITTEE REPORTS

KENNEL REGULATIONS

The Subcommittee will review correspondence from Attorney Graff
regarding the proposed kennel regulations.

Resolution #60-19

Convey an Interest in Real Property - 4871/4873 Skyline Drive

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

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

WHEREAS, the Town Board and the Town Highway Superintendent have
determined that public records in the Yates County Clerk's Office,
recorded sometime between 1903 and 1905, show that certain lands
were dedicated to the Town of Jerusalem for use as a Town highway
or highways but that said highway or highways were never opened or
worked by the Town, said lands, hereinafter referred to as the
"Properties", being described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of
Jerusalem, Yates County, New York, bounded and described
as follows: Commencing at the southwest corner of the
premises formerly owned and occupied by Nathan Egelston,
running thence in a general easterly direction along the
southerly line of said premises to a point in the line of
lands formerly of Benjamin J. Egelston, thence northerly
one and one half rods be the same more or less to the
northerly line of said proposed highway, thence westerly
following the northerly boundary of said proposed highway
to the easterly line of the highway leading from Kinneys
Corners to the end of Bluff Point, thence southerly along
the said easterly boundary of said highway to the point
of beginning.

Being the same premises conveyed by Nathan Egelston and
Mary J. Egelston to the Town of Jerusalem by release

dated June 23, 1903 and recorded in the Yates County Clerk's Office in Liber 95 of deeds at page 534.

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND described as all the land and premises owned and occupied formerly by Benjamin J. Egelston included within the description of a proposed highway as contained in his application in writing to the Commissioner of Highways of the Town of Jerusalem on the first day of June 1903 to lay out a highway across premises formerly belonging to him and others, the course and location of which highway being described and set forth in his above-mentioned application.

Being the same premises conveyed by Benjamin J. Egelston and Polly Egelston to the Town of Jerusalem by deed dated June 13, 1903 and recorded in the Yates County Clerk's Office in Liber 95 of Deeds at page 533.

ALSO ALL THAT OTHER TRACT OR PARCEL OF LAND described as follows: commencing at the northwest corner of the premises formerly owned and occupied by Philip Loder and running thence in a general easterly direction along the northerly line of said premises to a point in the line of lands formerly of Benjamin Egleston, thence southerly along said Benjamin J. Egelston's (formerly) westerly line one and one half rods be the same more or less to the southerly line of said proposed highway, thence westerly following the said southerly boundary of said proposed highway to the easterly line of the highway leading from Kinneys Corners to the end of Bluff Point, thence northerly along the said easterly boundary of said highway to the place of beginning.

Being the same premises conveyed by Philip Loder and Eliza his wife to the Town of Jerusalem by deed dated June 23, 1903 and recorded in the Yates County Clerk's Office in Liber 95 of Deeds at page 528; and

WHEREAS, in accordance with §205 of the New York State Highway Law, the Town Board and Town Highway Superintendent have executed a Certificate declaring such unopened highway or highways to be abandoned, such Certificate having been filed or to be filed in the Jerusalem Town Clerk's Office; and

WHEREAS, the Town Board has identified Michael J. Benulis to be the current owner of the lands on which the Properties are situate; and

WHEREAS, Mr. Benulis, through his attorney, Donald Schneider, has asked the Town to execute and deliver to Mr. Benulis a quit claim deed conveying the Town's interest in the Properties to Mr. Benulis to provide Mr. Benulis with clear title that is unencumbered by any interest or rights of the Town to the Properties; and

WHEREAS, Mr. Benulis has offered to pay all of the recording fees to the Yates County Clerk to effectuate this deed transfer, to pay all costs associated with the drafting of such deed, and to pay the Town any expense it incurs in reviewing this matter, including the Town's attorney's fees, in consideration for the Town conveying any of its interest in the Properties.

NOW THEREFORE, BE IT RESOLVED, that the Town Board has determined that there is no present need for a Town highway in the location of the Properties and that, further, with the abandonment, the Town has no present right in the Properties to now open them as a Town highway or highways; and

BE IT FURTHER RESOLVED, that the Town Board hereby determines that, with such highways never having been opened and with the highways now being abandoned, there is no longer any value to the Town in the Properties; and

BE IT FURTHER RESOLVED, that, because Mr. Benulis is paying all drafting and recording fees as well as the Town's attorney's fees and other expenses involved in conveying the Properties and because the Town Board has determined there is no value in whatever interest the public records show the Town has in the Properties, the offer by Mr. Benulis represents fair and adequate consideration for the Town's interest in the Properties; and

BE IT FURTHER RESOLVED, that, because the Properties are not needed for any Town purpose and because Mr. Benulis has offered fair and adequate consideration for the Properties, the Town Board agrees to convey by quit claim deed whatever interest the Town has in the Properties to Mr. Benulis; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized and directed to execute a quit claim deed conveying the Properties from the Town to Michael J. Benulis; and

BE IT FURTHER RESOLVED, that upon Mr. Benulis paying the Town whatever amount the Town has incurred in attorney fees and other expenses reviewing this matter and in conveying the Town's interest in the Properties, the Supervisor is authorized and directed to deliver said deed to Mr. Benulis for recording; and

BE IT FURTHER RESOLVED, that this Resolution is subject to a permissive referendum and that the Town Clerk shall publish a notice thereof.

BOOKKEEPER, POSITION AND NYS ATTORNEY GENERAL OPINION

Supervisor Killen made the motion to reconsider the Board's action on the Bookkeeper and make the position as originally created.

There was no second to the motion.

The Board requested Supervisor Killen forward Attorney Graff's opinion on this matter as the Town paid him for this service. Correspondence with the Attorney is to be copied to the Town Board in accordance with Resolution #93-10.

Resolution #61-19

EXECUTE TOWN OF PULTENEY WATER TRANSMITTAL AGREEMENT

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

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

Resolved the Supervisor be authorized to execute the Intermunicipal Agreement Between Town of Jerusalem and Town of Pulteney for the Transmission of Water From Penn Yan to Pulteney for the term January 1, 2019 through December 31, 2023.

Resolution #62-19

AWARD BID - CONSOLIDATED WATER DISTRICT CAPITAL PROJECT

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

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

Whereas the Consolidated Water District Improvements Capital Project was approved at an estimated cost of \$782,000, pursuant to section 202-b of NYS Town Law via Resolution #30-18; and

Whereas said Project was advertised and bids opened on February 28, 2019. Bid results were as follows:

Contract 1

Generally consists of the installation of 6 automatic flushing stations, the replacement of 17 water services, installing/replacing up to 10 new fire hydrants, and replacing approximately 2,640-feet of 8-inch watermain and 40-feet of 12-inch watermain in the Keuka Park Water District.

Nardozzi Paving	\$956,755
Wenzel Contractors	\$594,594
V&B Underground	\$540,932

Contract 2

Generally consists of stripping and repainting both the interior and exterior of the 300,000-gallon steel Keuka Park Tank, and the installation of tank mixers in the Upper and Lower Keuka Lake State Park tanks.

Amstar of Western NY	\$230,000
Atlas Painting	\$469,000
Erie Painting	\$451,000
Utility Service Co.	\$405,131

Now, therefore be it resolved the Town Board modifies the improvements as originally approved as a result of the bidding process to remove the improvements set forth in Contract 2; and, be it further

Resolved that Contract 1 of the Consolidated Water District Improvements Capital Project be awarded to V&B Underground in the amount of \$540,932 as the low bid; and be it further

Resolved the bid prices received on Contract 2 of the Consolidated Water District Improvements Capital Project were in excess of the funds available for this project and all bids are rejected.

PUBLIC HEARING - LOCAL LAW B-2019 KEUKA PARK PARKING REGULATIONS
Ignatius Scott asked about the cost to make a change to the proposed law.

RESOLUTION #63-19

CLOSE HEARING - LOCAL LAW B-2019 KEUKA PARK PARKING REGULATIONS

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

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

With all persons desiring to be heard, the public hearing on proposed Local Law B-2019 Keuka Park Parking regulations was closed at 7:54 p.m.

The regular meeting was reconvened.

RESOLUTION #64-19

POST-EMPLOYMENT RESERVE BUDGET AMENDMENT - LEE HARDY RETIREMENT

On a motion of Councilor Stewart, seconded by Councilor Anderson,

the following was

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

Whereas Lee Hardy has officially retired from the Keuka Park Sewer and Water Department Head position as of March 31, 2019; and,

Whereas Lee Hardy is entitled to compensation of unused sick leave in accordance with Local Law #2-2012 and Resolution #130-12; and

Whereas, the Town Board established the Post Employment Reserve Fund for the compensation of unused sick leave and will need to transfer funds out of the Post Employment Reserve into the Sewer and Water funds to cover this expense; now, therefore, be it

RESOLVED:

1. The Town board amends the Sewer 2019 budget as follows:

 Increase revenue 5031 (interfund revenue) \$2,126.00

 Increase expenditure 8120.1 (Sanitary Sewer PS) \$1,974.31

 Increase expenditure 9030.8 (SS/Med) \$151.69

2. The Town board amends the Water 2019 budget as follows:

 Increase revenue 5031 (interfund revenue) \$4,960.00

 Increase expenditure 8340.1 (Transmission/Dist. PS) \$4,606.71

 Increase expenditure 9030.8 (SS/Med) \$353.29

RESOLUTION #65-19

APPOINTMENT - KPSW DEPARTMENT HEAD KASEY CHRISTENSEN

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

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

Resolved Kasey Christensen be appointed Department Head of the Keuka Park Sewer & Water Department effective April 1, 2019 as Lee Hardy will be retiring March 31, 2019.

RESOLUTION #66-19

AUTHORIZE MECHANIC TRAINING - DIESEL EXHAUST AFTER TREATMENT

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

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

Resolved Highway Mechanic Jeff Jensen be authorized to attend the Diesel Exhaust After Treatment training on April 16, 2019 in

Horseheads at a cost of \$50 plus mileage. This expense to be funded from the 5132.4.

RESOLUTION #67-19

ADVERTISE PLANNING BOARD SECRETARY POSITION

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

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

Whereas Janet Micnerski has submitted her resignation as Planning Board secretary effective March 31, 2019; now, therefore, be it

Resolved a block ad be placed advertising for applications for said position at the current rate of pay.

RESOLUTION #68-19

AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 3 OF 2019 ENTITLED "A LOCAL LAW TO AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF JERUSALEM TO ADD NEW PARKING REGULATIONS"

On a motion of , seconded by , the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Anderson	Aye
Councilor Jones	Aye
Councilor Stewart	Aye
Supervisor Killen	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 March 20, 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 Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on March 6, 2019 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on March 20, 2019, at 7:15 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 with an amendment to remove the Sunday exception.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 3 of 2019, entitled "A Local Law to Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations", 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.

RESOLUTION #69-19

HIGH-TOR GRAVEL BIKE RACE - PERMISSION TO USE TOWN ROADS

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

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

Resolved the 2019 Hills of High-Tor Gravel Grinder event be granted permission to use Town roads for their May 4, 2019 bike race contingent upon receipt of their insurance certificate naming the Town of Jerusalem as an additional insured.

RESOLUTION #70-19

SAFE WATER ACTION PROGRAM (SWAP) BILL# S554/A424 LETTER OF SUPPORT

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

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

Resolved the Supervisor be authorized to send a letter of support to Senator O'Mara for NYS to include funding in budget for Safe Water Action Program (SWAP) bill # S554/A424.

PUBLIC COMMENT

- County Legislator Bronson reported on the increased usage of the Yates Transit System.
- The Legislature will be sending three resolutions to Albany; reduced AIM funding, funding the new cost of the elections reforms and opposing landfills in the Finger Lakes Watershed.
- County Legislator Cutler added a number of issues were discussed at last week's meeting with Senator O'Mara and Assemblyman

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Palmesano which included healthcare issues and legalizing marijuana.

- The public is to contact law enforcement when they receive scam calls so they can log and track them.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Stewart, the meeting was adjourned at 8:13 P.M.

Sheila McMichael, Town Clerk

Town of Jerusalem
Local Law No. B of the year 2019

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

Be it enacted by the Town Board

Town of Jerusalem

as follows:

SECTION 1. Section 145-10 of Article II of Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem is hereby amended with the insertion of new paragraphs C and D to read as follows:

C. No person shall park a vehicle on any part of Central Avenue (Yates County Route 25) between the hours of 11:00 p.m. and 7:30 a.m. of the immediately following day. This parking prohibition shall apply every day throughout the year.

D. No person shall park a vehicle on any part of Assembly Avenue (Yates County Route 25) between the hours of 11:00 p.m. and 7:30 a.m. of the immediately following day. This parking prohibition shall apply every day throughout the year.

SECTION 2. Article II of Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem is hereby amended with the insertion of a new Section 145-11 to read as follows:

§ 145-11 Time limit parking.

A. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the west side of Central Avenue (Yates County Route 25) from the south side of Chestnut Street to the north side of Assembly Avenue. This parking prohibition shall apply every day, ~~except Sundays~~, throughout the year.

B. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the east side of Central Avenue (Yates County Route 25) from the south side of Chestnut Street, as extended, to the north side of Assembly Avenue, as extended. This parking prohibition shall apply every day, ~~except Sundays~~, throughout the year.

C. Between the hours of 7:30 a.m. and 11:00 p.m., no person shall park a vehicle for longer than ten (10) minutes on the north side of Assembly Avenue (Yates County Route 25) from the east side of Poplar Street to the west side of Central Avenue. This parking prohibition shall apply every day, ~~except Sundays~~, throughout the year.

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,

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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 immediately upon filing with the Secretary of State.