

Minutes of the regular monthly meeting of the Jerusalem Town Board held on August 18, 2021 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Stewart, Town Clerk McMichael.

Excused: Highway Superintendent Hurd.

GUESTS: Thomas W. Fulkrod, Tim Cutler, William Gerhardt, Sarah Purdy, Arlene Wilson.

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

RESOLUTION #112-21

CHANGES TO THE AGENDA

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
Nays 0

Resolved the following be added to the agenda:

- Approve Commercial Power Systems Generator Maintenance Agreement
- Authorize the Sale of Surplus Equipment
- Renew Auction International Agreement
- Executive Session - Employment History of a Particular Person

RESOLUTION #113-21

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
Nays 0

Resolved that the minutes of the July 21, 2021 meeting be approved as read.

RESOLUTION #114-21

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
Nays 0

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

General:	\$ 17,996.26
Outside Village	\$ 7,310.79
Highway DB:	\$167,349.388
Sewer:	\$ 44,543.53
Water:	\$ 1,575.17

Branchport Light \$ 148.04

July Utilities:

General:	\$1,900.99
Sewer:	\$ 4.64
Water:	\$ 10.84

RESOLUTION #115-21

SUPERVISOR REPORT

On a motion of, seconded by, the following was

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of July 2021 be accepted as presented.

PRESENTATION - ARLENE WILSON, YATES COUNTY CORNELL COOPERATIVE
EXTENSION EXECUTIVE DIRECTOR

Arlene Wilson, Executive Director, Yates County Cornell Cooperative Extension (CCE) presented information on the NYS Climate Leadership and Community Protection Act mandating carbon emissions reductions, 4-H FLX Family-Fun Guide and Hike & Bike brochure. She encouraged the Town to develop a plan or flesh out our existing solar energy plan. Starry stonewort invasive species and the huge presence of gypsy moths this year were discussed.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- The Highway Department is repairing roads damaged by the recent rains.

WATER/SEWER REPORT

- Councilor Stewart reported the Sewer Department would like to purchase Liberty pumps to try out as an alternative to E-One pumps currently used.
- The Department is busy flushing hydrants, responding to daily UFPO stake-out requests and covering employee vacations. Numerous UFPO's were related to the Indian Pines speed limit signs being installed.

RESOLUTION # 116-21

WITHDRAW SOLE SOURCE DETERMINATION SEWER EXT#2 GRINDER PUMP AND
PURCHASE LIBERTY PUMPS

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

ADOPTED Ayes 4 Castner, Lent, Sisson, Stewart
Nays 1 Jones

Whereas, the Town of Jerusalem Procurement Policy and New York State Finance Law Section 163 Purchasing services and commodities allow sole source procurement. The Town of Jerusalem Board has approved such resolution #87-17.

Whereas, the Town of Jerusalem Keuka Park Sewer & Water department has found an alternative grinder pump brand and vendor. The additional vendor does meet the standards for the sewer district; now, therefore, be it

Resolved that the grinder pump sole source resolution #87 - 17 be withdrawn; and be it further

Resolved, the Sewer Department be authorized to order three (3) Liberty grinder pumps for testing as an alternative to E-One pumps.

Councilor Jones stated he would like to see more data on this purchase.

ASSESSOR

- Report on file.

COUNCIL

- Clean Up Day costs were under budget. We have not received a check from B&B Recycling for the scrap metal yet.
- The Planning Board approved a subdivision on Yoder Hill.
- The Zoning Board did not meet this month.

SUPERVISOR

- Supervisor Sisson was pleased to report Assessor Terry Kwiecinski and Code Enforcement/Zoning Officer Bill Gerhardt accepted employment with the Town.
- The port-a-potty will be relocated closer to Sugar Creek next year as it currently sits in a wet low-lying area.
- Supervisor Sisson met with representatives from Finger Lakes Land Trust who briefed him on various programs available to conserve properties.
- 2022 budget worksheets were due from department heads today.

RESOLUTION #117-21

RESOLUTION INTRODUCING LOCAL LAW B-2021 TAX CAP OVERRIDE AND CALLING A PUBLIC HEARING

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 15, 2021, 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 newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

RESOLUTION #118-21

RESOLUTION INTRODUCING LOCAL LAW C-2021 CANNABIS OPT-OUT AND CALLING A PUBLIC HEARING

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

ADOPTED	Ayes	5	Castner, Jones, Lent, Sisson, Stewart
	Nays	0	

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Article 4 of the Cannabis Law; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "3" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on September 15, 2021, at 7:10 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspapers of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "4"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

RESOLUTION #119-21

APPROVE COMMERCIAL POWER SYSTEMS GENERATOR MAINTENANCE AGREEMENT

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Whereas annual maintenance of the Town Office Generac 70390 generator purchased in 2018 is desired; and

Whereas the installer serviced the generator in January 2020 and has not responded to further requests for service; now, therefore, be it

Resolved the Supervisor be authorized to execute the Generator Maintenance Agreement with Commercial Power Systems for a 3-year term/1 visit per year preventative maintenance at a total cost of \$690.00 to be funded by 1620.4.

RESOLUTION #120-21

Authorize the Sale of Surplus Equipment:

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Whereas; the 2017 Chevrolet Silverado Truck has been declared surplus and no longer needed;

Therefore; the Keuka Park Sewer and Water Department be authorized to sell the 2017 Silverado 1500 Pick-up Truck Vin #1GCVKNEC2HZ305474 via auction with the proceeds from this sale be recognized as revenue as stated in the 2021 sewer and water adopted budgets.

RESOLUTION #121-21

RENEW AUCTION INTERNATIONAL AGREEMENT

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Resolved the Auctions International Agreement for sale of assets by online auction be renewed for a two-year period.

Councilor Stewart noted the Town can reject any bid from Auctions International if it is below the minimum bid amount.

PUBLIC COMMENT

- Arlene Wilson reported NYS Ag & Markets awarded grant funds to develop a Land Protection Plan. TOJ Planning Board member Donna Gridley is an Ag Protection representative.
- The County honored WWII U.S. Army Corps veteran Richard Gillespie who turned 100 years old.
- Public hearing on a proposed local law banning firearms and weapons in all County-owned buildings is scheduled September 13th at 9:30 A.M.

RESOLUTION #122-21

EXECUTIVE SESSION - EMPLOYMENT HISTORY OF A PARTICULAR PERSON

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Resolved that this meeting be interrupted to enter into Executive Session to discuss the employment history of a particular person.

Tom Fulkrod and Bill Gerhardt were asked to attend.

The Executive Session convened at 8:10 P.M.

RESOLUTION #123-21

RETURN TO REGULAR SESSION

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:03 P.M.

RESOLUTION #124-21

AUTHORIZE DEPUTY CLERK APPOINTMENT

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

ADOPTED Ayes 5 Castner, Jones, Lent, Sisson, Stewart
 Nays 0

Resolved Town Clerk McMichael be authorized to appoint a full-time Deputy Clerk.

With there being no further business, the meeting was adjourned at 9:28 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

Local Law No. B of the year 2021

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

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Jerusalem, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Jerusalem to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2022 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Jerusalem, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2022 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2

TOWN OF JERUSALEM
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on the 15th day of September, 2021, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law which would permit the Town Board to adopt a budget for the 2022 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

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

Sheila McMichael, Town Clerk

Exhibit 3

Local Law No. C of the year 2021

A Local Law to Opt Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as Authorized under Cannabis Law Article 4

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Jerusalem that would otherwise be allowed under Article 4 of the Cannabis Law.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

Section 3. Local Opt-Out

The Town Board of the Town of Jerusalem hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction and requests the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and on-site consumption licenses contained in Article 4 of the Cannabis Law, within the jurisdiction of the Town of Jerusalem.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 4

**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 15th day of September, 2021, at 7:10 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law in which the Town Board of the Town of Jerusalem opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction and requests the Cannabis Control Board to prohibit the establishment of such cannabis retail dispensary licenses and on-site consumption licenses contained in Article 4 of the Cannabis Law, within the jurisdiction of the Town of Jerusalem.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

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

Sheila McMichael, Town Clerk