

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 21, 2024 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Jones, Lent, Purdy, Town Clerk McMichael.

GUESTS: Annette Toaspern, Kathy Swarthout, Jacqui Smith.

EXCUSED: Highway Superintendent Hurd.

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

A moment of silence was taken in honor of Tim Cutler who recently passed. Mr. Cutler served the Town and Community in numerous rolls.

RESOLUTION #27-24

APPROVAL OF MINUTES

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved that the minutes of the January 17, 2024 meeting be approved as read.

RESOLUTION #28-24

AUDIT OF CLAIMS

On a motion of Councilor Purdy, seconded by Councilor Bird, the following was

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

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

General:	\$ 26,594.02
Outside Village	\$ 418.68
Highway DB:	\$296,482.96
Sewer:	\$ 65,754.37
Water:	\$ 42,818.43
Branchport Light	\$ 1,668.37

January Utilities:

General:	\$ 3,538.61
Outside Village:	\$ 45.30
Highway DB:	\$60,675.91
Sewer:	\$ 330.59
Water:	\$ 1,394.95
Trust:	\$52,128.33

RESOLUTION #29-24
SUPERVISOR REPORT

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved that the Supervisor’s Report on the Town’s finances for the month of January 2024 be accepted as presented.

PRESENTATION

Annette Toaspern, 2417 West Lake Road, made a slide presentation to make the Town aware of her concerns; especially when granting approvals for area variances, site plans and steep slopes permits. She noted specific concerns with her neighbor's garage, Application #19-2023 David Naylor, 2421 West Lake Road. She requested future reviews by the town include the impact of building, erosion control, lighting and use protection, noting she views West Lake Road as a vulnerable area that needs added protections. Her presentation will be shared with the Zoning and Planning Boards and discussed further by the Code Review Subcommittee.

ITALY FRIEND ROAD SPEED REDUCTION

Kathy Swarthout, 2567 Italy-Friend Road presented concerns with speeding traffic on her road. A formal petition requesting a speed study will be forthcoming.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Superintendent Hurd advised the Supervisor he is released to return to work part-time with restrictions in March.

COUNCIL

- Clean Up Day will be June 15th. Details will be forthcoming.
- Councilor Lent submitted a recap of the Water/Sewer staff meeting.
- Councilor Lent registered for the EPA Water and Wastewater Sector Threat Briefing webinar on February 27th.
- Councilor Purdy stated the Justice Committee recommends submitting the annual audit. Supervisor Sisson went on record that Council is not qualified to audit the Justice books.
- The CEO Committee did not meet in February. CEO McKinley and Deputy Clerk Gillett are organizing the master files.
- The Assessor is busy with the reval.
- The Zoning Review Subcommittee will meet in March.

SUPERVISOR

The Board reviewed the liquor license application for Indian Pines

Market Place, LLC, 2406 Rte. 54A. Public safety concerns were noted with live music, limited parking and the need for site plan review.

RESOLUTION #30-24
FINAL 2023 BUDGET MODIFICATIONS

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved the final 2023 budget modifications be accepted as follows:

Water fund

From: 9789.7- Debt Interest \$20,960
To: 8340.1 (Transmission PS) \$20,960

Highway DB fund

From: 5110.4- General Repairs \$20,180
To: 9060.8 (BCBS) \$20,180

RESOLUTION #31-24
INTRODUCE LOCAL LAW A-2024 TAX CAP OVERRIDE AND CALL A PUBLIC HEARING

On a motion of Councilor Bird, seconded by Councilor Purdy, the following was

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 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 March 20, 2024, at 7:00 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 #32-24
TOWN JUSTICE ANNUAL ACCOUNTING

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved the Annual Accounting of the 2022 Justice books conducted on February 9, 2024 by the Town Justice Subcommittee be accepted; and, be it further

Resolved the Checklist for Review of Justice Court Records be submitted to the Office of Court Administration Internal Audit Services.

RESOLUTION #33-24
ADVERTISE HIGHWAY HEO POSITION

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Whereas Highway Superintendent Hurd desires to advertise for a full-time Heavy Equipment Operator due to the anticipated retirement in mid-2024; now, therefore be it

Resolved we advertise for a full-time Heavy Equipment Operator at a salary not-to-exceed \$23.00 per hour commensurate on their experience.

RESOLUTION #34-24
HIGHWAY HEO SALARY ADJUSTMENT

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Whereas Jason Tietjen will assume operator duties and responsibilities due the anticipated retirement in mid-2024; now, therefore, be it

Resolved Jason Tietjen's hourly rate be increased \$.50 per hour in recognition of these additional duties effective immediately.

RESOLUTION #35-24

DECLARE HIGHWAY EQUIPMENT AS SURPLUS

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved the following items be declared as surplus and the Deputy Highway Superintendent be authorized to advertise the sale of said items:

- 2019 Ford F-550
- 1998 Bomag roller
- 2007 Sakai roller

and be it further

Resolved that the proceeds from this sale will be deposited into the Highway Machine Reserve.

RESOLUTION #36-24

AUTHORIZE HIGHWAY PURCHASE OF USED ROLLER

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Whereas the 1998 Bomag and 2007 Sakai rollers were declared as surplus; and

Whereas quotes were received from Stephenson Equipment, Inc. (SEI) and Tracey Road as follows:

2021 Sakai	Used	1,449 hours	\$130,000
2020 Bomag	Used	1,246 hours	\$ 98,000
2021 Bomag	Used	1,062 hours	\$125,000
2021 Bomag	Used	915 hours	\$135,000
2023 Bomag	Used	435 hours	\$225,000
2024 Bomag	New	0 hours	\$230,500

; now, therefore, be it

Resolved the Deputy Highway Superintendent be authorized to purchase a used 2021 Bomag roller with 915 hours from SEI in an amount not-

to-exceed \$135,000 on a best value basis as the lower priced rollers had excessive hours or rental equipment. Proceeds for this purchase will be taken from the Highway DB5130.2.

RESOLUTION #37-24

AUTHORIZE HIGHWAY ADVOCACY DAY ATTENDANCE

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved Deputy Highway Superintendent Jamie Sisson be authorized to attend Paving the Way Advocacy Day on March 5-7, 2024 in Albany for Increased State Funding for Local Roads, Bridges and Culverts.

RESOLUTION #38-24

AUTHORIZE KPSW ONSITE ASSESSMENT TRAINING

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Whereas; New York State Department of Health is offering a training designed primarily for those who have completed an approved course and are preparing to submit their completed application; and

Whereas; Training cost is free. Location of training is at the Geneva Office; address - 624 Pre-Emption Rd., Geneva, NY 14456 on March 12, 2024, 9:30 am to 12:00 pm. Time may vary due to high attendance; and

Whereas; Water Operators, Joe Matthews and Patrick Lewis are preparing to submit their completed application for a Grade D Operator certification, now, therefore, be it

Resolved to authorize attendance for Joe Matthews and Patrick Lewis from the Water & Sewer Department to attend the offered training.

RESOLUTION #39-24

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING TO CONSIDER A PROPOSED RECONSTRUCTION PROJECT WITHIN THE KEUKA PARK CONSOLIDATED WATER DISTRICT (Water Rehab Phase 3 Central Avenue)

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 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 the proposed reconstruction of certain existing facilities and appurtenances within the Keuka Park Consolidated Water District ("KPCWD") pursuant to Town Law Section 202-b; and

WHEREAS, the Town Engineer has prepared a map and plan showing the proposed reconstruction project (the "Project") to consist of water main replacement consisting of approximately 5100 feet of 8-inch high density polyethylene (HDPE) pipe, 1400 linear feet of new 12-inch HDPE pipe and 1300 linear feet of new 1-inch HDPE water service pipe, such replacements to take place on Assembly Avenue, Central Avenue, State Route 54A and Lake Avenue. As part of this Project, approximately 50 services will be disconnected from the old main and reconnected to the new water main in the same vicinity as the current services and will also be provided with a new curb stop and curb box. This Project will also replace 8 existing fire hydrants with new hydrants and guard valves in approximately the same location and will also install 15 new valves at water main tee fittings allowing the Town to isolate branches of water main on either side of the tee fittings; and

WHEREAS, the plan shows the estimated costs of this Project to be \$1,300,000.00, such estimated costs to be the responsibility of the KPCWD. All of this \$1,300,000.00 is to be financed and repaid by the owners of property within the KPCWD, unless the Town is able to secure grants to offset any part of this cost; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing on this Project, to be held on March 20, 2024, 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 "3", 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 and to give any other notices required by law; and be it further

RESOLVED, that the Town Board hereby finds and determines that this Project by the Town Board is a "Type II" action under the regulations

promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, . . . unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”), thereby requiring no further action by the Town Board as this project constitutes a replacement, rehabilitation or reconstruction of a facility, in kind, on the same site and does not meet or exceed any of the thresholds in section 617.4 of the SEQR regulations.

RESOLUTION #40-24
DEPUTY TAX COLLECTOR SALARY ADJUSTMENT

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved the Deputy Tax Collector hourly rate be increased \$.50 per hour in recognition of 20 years of service retroactive to January 1, 2024.

RESOLUTION #41-24
SUPPORT FOR FUNDING FROM NYS ARCHIVES LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Whereas, Yates County intends to apply for a Local Government Records Management Improvement Fund Grant (LGRMIF) from the NYS Archives, through the New York State Department of Education, for monies to continue its efforts to increase efficiencies in delivery of local services and through shared services and support related to records management systems; and

Whereas, the Town of Jerusalem supports Yates County in pursuing funding through the LGRMIF and looks forward to the opportunity for shared services and inter-municipal cooperation which results in savings and record availability for its constituents; and

Whereas the Town of Jerusalem anticipates cooperating with and joining in further shared services offered and or supported by Yates County whenever feasible.

Now, therefore be it resolves, that the Town of Jerusalem do hereby fully support Yates County in its pursuit and application for funding for shared services through the LGRMIF grant.

COUNTY REPORT

Legislator Purdy presented the County report.

RESOLUTION #42-24
MOVE TO EXECUTIVE SESSION

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved that this meeting be interrupted to enter into Executive Session at 8:39 P.M. to discuss the employment history of a particular person.

RESOLUTION #43-24
RETURN TO REGULAR SESSION

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

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:34 P.M.

RESOLUTION #44-24
AUTHORIZE SUPERVISOR TO CONTACT LABOR ATTORNEY

On a motion of Councilor Purdy, seconded by Councilor Bird, the following was

ADOPTED Ayes 5 Bird, Jones, Lent, Purdy, Sisson
 Nays 0

Resolved the Supervisor be authorized to engage the service of Law Offices of Pullano & Farrow PLLC on specific labor issues.

With there being no further business, on a motion of Councilor Jones, seconded by Councilor Lent, the meeting was adjourned at 9:37 P.M.

Sheila McMichael, Town Clerk

EXHIBIT 1
Local Law No. A of the year 2024

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 2025 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 2025 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 20th day of March, 2024, at 7:00 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 2025 fiscal year that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Any person 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
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 March, 2024, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to consider the proposed reconstruction of certain existing facilities and appurtenances within the Keuka Park Consolidated Water District pursuant to Section 202-b of the New York State Town Law.

The proposed reconstruction project will consist of water main replacement consisting of approximately 5100 feet of 8-inch high density polyethylene (HDPE) pipe, 1400 linear feet of new 12-inch HDPE pipe and 1300 linear feet of new 1-inch HDPE water service pipe, such replacements to take place on Assembly Avenue, Central Avenue, State Route 54A and Lake Avenue. As part of this project, approximately 50 services will be disconnected from the old main and reconnected to the new water main in the same vicinity as the current services and will also be provided with a new curb stop and curb box. This project will also replace 8 existing fire hydrants with new hydrants and guard valves in approximately the same location and will also install 15 new valves at water main tee fittings allowing the Town to isolate branches of water main on either side of the tee fittings.

The plan shows the estimated costs of this reconstruction project to be \$1,300,000.00, such estimated costs to be the responsibility of the Keuka Park Consolidated Water District. All of this \$1,300,000.00 is to be financed and repaid by the owners of property within the Keuka Park Consolidated Water District, unless the Town is able to secure grants to offset any part of this cost.

Any person shall be entitled to be heard upon this matter at such public hearing. Copies of the proposed plan showing this proposed reconstruction project 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