

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 20, 2024 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Bird, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Rich Getsloff, Laurie Getsloff, Cheryl Deaton, Marcia English, David English, Brad Deaton, Joe Matthews.

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

CHANGES TO THE AGENDA:

The following were added to the agenda:

1. Authorize KPSW Training
2. Interfund Transfer from ARPA to Water and Sewer Funds

RESOLUTION #171-24

APPROVAL OF MINUTES

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 minutes of the October 16, 2024 meeting be approved as read.

RESOLUTION #172-24

AUDIT OF CLAIMS

On a motion of Councilor Purdy, seconded by Councilor Lent, 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:	\$ 14,221.93
Outside Village	\$ 1,833.75
Highway DB:	\$ 93,253.16
Capital:	\$192,164.10
Sewer:	\$ 63,900.37
Water:	\$ 24,599.25
ARPA:	\$118,692.80
Trust:	\$128,047.00

October Utilities:

General:	\$ 2,019.28
Outside Village:	\$ 466.75

Sewer:	\$ 434.85
Water:	\$ 2,006.23
Trust:	\$24,289.14

RESOLUTION #173-24

SUPERVISOR REPORT

On a motion of Councilor Jones, seconded by Councilor Bird, 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 October 2024 be accepted as presented.

PUBLIC HEARING - PROPOSED SEWER DISTRICT EXT. #2 GRINDER PUMP REPLACEMENT PURCHASE

With proof of notice having been duly published and posted, Supervisor Sisson opened the Public Hearing at 7:02 P.M., asking for comments on the proposed Sewer District Ext. #2 grinder pump replacement purchase.

Rich Getsloff, 7811 East Bluff Drive questioned the timing of this hearing as many East Bluff residents have already left for the winter. East Bluff residents should have been contacted directly. He received a postcard with grinder pump winterization instructions two days ago. He questioned the quarterly grinder pump fee already charged. He asked if he could pay for a new grinder pump up front instead of paying on a 40-year bond, noting East Bluff property owners can afford it and it is a way better deal for them.

Councilor Bird explained the Town was able to lock into 2024 pricing that is valid through 11/30/2024. As stated in our engineer's report, pumps have been failing at an increasing rate and the Town's current program of methodically servicing and rebuilding a certain number of pumps annually is no longer sustainable. Emergency repairs as failures occur are proving costly and causing undue strain on Town Staff.

Supervisor Sisson stated the Board discussed this project at budget time. Councilor Purdy added the public is able to follow discussions as minutes and notices are posted on the website www.jerusalem-ny.org.

David English, 8565 East Bluff Drive, stated the current capital charge was for bonding the entire system in 2000. The grinder pumps are a component of that system that now needs to be managed. This is to purchase an inventory of grinder pumps for installation

as recommended by the engineer.

The hearing was left open.

PRIVILEGE OF THE FLOOR - WAYNE HOOVER, 3574 PROSSER ROAD

Supervisor Sisson stated Mr. Hoover was not able to attend tonight. Supervisor Sisson and Highway Superintendent Hurd resolved Mr. Hoover's issue related to road damage.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- No report

COUNCIL

- Councilor Lent summarized the November 19, 2024 Water/Sewer meeting. Councilor Bird is touring the water/sewer districts with Department Head Matthews tomorrow.
- Councilor Bird stated the Sheriff's Camp, 9825 East Bluff Drive made a presentation to the Zoning Board on their proposed expansion project.

SUPERVISOR

Supervisor Sisson stated the Town has not been able to find a candidate to serve as our Local Health Officer required by Public Health Law. He will bring this up at the next Supervisors' Meeting. Councilor Purdy will also check into this further with the County.

RESOLUTION #174-24

AUTHORIZE SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW D-2024 AMENDING THE CODE OF THE TOWN OF JERUSALEM REGARDING THE METHOD OF DESIGNATING A CHAIRPERSON TO THE PLANNING BOARD AND ZONING BOARD OF APPEALS

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 entitled "A Local Law Amending the Code of the Town of Jerusalem Regarding the Method of Designating a Chairperson to the Planning Board and Zoning Board of Appeals"; 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 December 18, 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 newspaper 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.

RESOLUTION #175-24

AUTHORIZE SUPERVISOR TO EXECUTE YOUTH BUREAU CONTRACT

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 Supervisor be authorized to execute the Agreement for provision of services between the Town of Jerusalem under the Youth Development funding stream for the Summer Recreation Program for the period October 1, 2024 through September 30, 2024.

RESOLUTION #176-24

UPDATE LOCAL HIGHWAY INVENTORY

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

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

Resolved by the Town of Jerusalem for the purpose of correcting and updating the Local Highway Listing, we make the following correction/change:

The following addition is to correct existing road names and/or lengths or to add NEW roads that are not currently included on the Inventory Listing.

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NEW: Old County Road from CR 29/Guyanoga Road to the Potter Town line for a total length of 0.25 Mile.

RESOLUTION #177-24

2024 HIGHWAY DB BUDGET AMENDMENT - FEMA EAST BLUFF PROJECT

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

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

Whereas the East Bluff road reconstruction project was the final project for FEMA reimbursement; and

Whereas the project is now complete; and

Whereas a letter of closeout for projects #663672, #663675, #663679 was emailed to FEMA on October 24, 2024; now, therefore, be it

RESOLVED that the Highway DB 2024 budget be amended as follows:

Increase expense code	8760.4	\$480,261.51
Increase revenue code	3960	\$ 48,026.15
Increase revenue code	4960	\$432,235.36

RESOLUTION #178-24

2024 GENERAL A LOAN FUNDS TO HIGHWAY DB

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

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

Whereas Highway DB is awaiting FEMA funds related to completed projects; and

Whereas General A has enough currency to support Highway DB until such time as monies are received; now, therefore, be it

RESOLVED that General A loan Highway DB \$500,000 with a 1% APY until FEMA funds are acquired or tax monies collected, whichever comes first.

RESOLUTION #179-24

CLOSE PUBLIC HEARING - PROPOSED SEWER DISTRICT EXT. #2 GRINDER PUMP REPLACEMENT PURCHASE

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

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

With all persons desiring to be heard, Supervisor Sisson closed the hearing at 7:41 P.M.

The regular meeting was reconvened.

RESOLUTION #180-24

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF JERUSALEM APPROVING THE
PROPOSED REPLACEMENT OF WORN-OUT APPARATUS AND/OR EQUIPMENT IN THE
KEUKA PARK SEWER DISTRICT EXT. #2

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 has duly caused to be prepared a plan and estimate of the cost for equipment replacement in the Keuka Park Sewer District Ext. #2 to consist of the replacement of worn-out apparatus and/or equipment, specifically, grinder pump stations; and

WHEREAS, the plan shows the estimated costs of these improvements to be \$420,000.00, plus installation costs, such estimated costs to be the responsibility of the Keuka Park Sewer District Ext. #2. All of this \$420,000.00 is to be financed and repaid by the owners of property within the Keuka Park Sewer District Ext. #2; and

WHEREAS, the Town Board of the Town of Jerusalem duly adopted a resolution on October 16, 2024, calling a public hearing to consider said proposed improvements and estimate of expense, to be held at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, on November 20, 2024, at 7:00 p.m.; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

WHEREAS, the Town Board has duly considered all of the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Jerusalem that, based upon the evidence given at the aforesaid public hearing and its review of the Larson Design Group Plan, it is hereby found and determined to be in the public interest to provide for the aforesaid replacement of grinder pumps in the Keuka Park Sewer District Ext. #2, as described in the preambles hereof,

at an estimated cost of \$420,000.00, and the same is hereby authorized.

RESOLUTION #181-24

BOND RESOLUTION DATED NOVEMBER 20, 2024 OF THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

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

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

WHEREAS, the Town of Jerusalem Sewer District Ext. #2 is a sewer district extension of the Town of Jerusalem, New York, duly established by the Town Board pursuant to the Town Law and, pursuant to a resolution adopted on November 20, 2024, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on October 16, 2024, has duly determined and found the purpose to be a type II action which will not have a significant impact on the environment and is not subject to any further environmental review under SEQRA; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Jerusalem shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Jerusalem Sewer District Ext. #2, duly authorized pursuant to Section 202-b of the Town Law, consisting of the replacement of worn-out apparatus and/or equipment, specifically, the acquisition and installation of approximately 175 grinder pump stations, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$420,000 of the Town are hereby authorized to be issued to finance said purpose, and bond

anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Jerusalem of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$420,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the

terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Jerusalem.

Section 7. The faith and credit of the Town of Jerusalem, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Jerusalem together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

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Section 9. This resolution shall take effect immediately upon its adoption.

RESOLUTION #182-24

EMPLOYEE EARLY RELEASE - TOWN HOLIDAY PARTY

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

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

Resolved employees be released at 12:30 P.M. on Thursday, December 11, 2024 to attend the Holiday Party at The Wagner.

RESOLUTION #183-24

AUTHORIZE KPSW TRAINING

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

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

Whereas EJ Prescott is offering safety training and a tour of their facility on December 17, 2024; and

Whereas EJ Prescott extended an invitation to the Town of Jerusalem to attend; now, therefore, be it

Resolved that Spencer Enos, Water & Sewer Maintenance Helper be authorized to attend said event in Moravia, NY.

RESOLUTION #184-24

INTERFUND TRANSFER FROM ARPA TO WATER AND SEWER FUNDS

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

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

Whereas ARPA funds are to be utilized for water and sewer infrastructure repairs and replacements; and

Whereas unassigned ARPA funds are available and its use must be obligated by December 31, 2024; now, therefore, be it

Resolved those costs expensed be reimbursed with available ARPA funds up to the remaining balance as follows:

Water Fund	\$98,617.67
Sewer Fund	\$11,885.00

PUBLIC COMMENT

In response to a request for clarification on the grinder pump replacement project approved tonight from Marcia English, 8565 East

Bluff Drive, Water/Sewer Department Head Matthews responded the grinder pumps being purchased will replace pumps originally installed when Sewer Ext. #2 was constructed. A common malfunction is the alarms are not working that is an issue as the Town strives to keep our Lake clean.

COUNTY REPORT

Legislator Purdy presented the County report. Highlights included restructuring the Yates County Personnel Department to a Human Resources Department and tomorrow's County budget hearing. Sharing sales tax is included in the tentative budget. All were encouraged to attend next year's budget sessions to voice their opinions on the sales tax allocation methodology.

Legislator Killen entered the meeting at 8:06 P.M.

Councilor Jones will follow up on the County Highway's response that the sharing of road millings is a fair distribution as all receive 10 loads. He feels that tax warrants should be considered in the methodology. Jerusalem should receive more in light of the amount of property tax monies paid to the County.

With there being no further business, on a motion of Councilor Bird, seconded by Councilor Jones, the meeting was adjourned at 8:09 P.M.

Sheila McMichael, Town Clerk

Exhibit 1
Local Law No. D of the year 2024

A Local Law Amending the Code of the Town of Jerusalem Regarding the Method of Designating a Chairperson to the Planning Board and Zoning Board of Appeals

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Article I (General Provisions) of Chapter 39 (Planning Board) of the Code of the Town of Jerusalem is hereby amended with the adoption of a new § 39-2 to read as follows:

§ 39-2 Designation of Chairperson

The town board shall, by resolution, designate the chairperson of the Planning Board from the appointed members. In the absence of a chairperson, the planning board may designate a member to serve as chairperson.

Section 2. Paragraph C of § 160-68 (Creation; membership; chairperson; compensation) of Article XV (Zoning Board of Appeals) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new paragraph C is inserted in its place to read as follows:

- C. Appointment. The Town Board shall appoint the members of the Zoning Board of Appeals and shall designate the chairperson thereof. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson. No person who is a member of the Town Board shall be eligible for membership on such Zoning Board of Appeals. Of the members of the Zoning Board of Appeals first appointed, one shall hold office for the term of one year; one for the term of two years; one for the term of three years; one for the term of four years; and one for the term of five years from and after his appointment; provided, however, that such Town Board may, by resolution, increase the number of members of the Zoning Board of Appeals to seven, and, thereafter, such additional members shall be first appointed for terms of two and four years, respectively. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for terms of five years from and after the expiration of the terms of their predecessors in office.

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 affect, 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 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 December 18, 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 of the Town of Jerusalem for the year 2024, which would amend the Code of the Town of Jerusalem to provide that the town board shall designate the chairpersons of the Planning Board and of the Zoning Board of Appeals from the appointed members of each respective board and that, in the absence of a chairperson, each board may designate a member thereof to serve as chairperson.

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 public 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