

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 20, 2013 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Amy Daines; Board of Elections, Bob Brechko; Board of Elections, Gary Dinehart, Taylor Fitch, Sarah Stackhouse, Paul Enos, Dick Ackerman, Neil Simmons, David Specksgoor; Dundee Observer Reporter, John Christensen; Chronicle Express Reporter

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

RESOLUTION #49-13

APPROVAL OF MINUTES

On a motion of Councilor Parson, seconded by Councilor Steppe, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the minutes of the February 20, 2013 meeting be approved as read.

PUBLIC HEARING - PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

Councilor Parson stated the Right to Farm Subcommittee has some concerns with the current draft of Local Law I-2012 Right to Farm and expect to make substantial changes. A new draft will be forthcoming and another public hearing will be scheduled.

RESOLUTION #50-13

AUDIT OF CLAIMS

On a motion of Councilor Parson, seconded by Councilor Steppe, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

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

General:	\$ 37,652.09
Outside Village	\$ 566.61
Highway DB:	\$ 13,265.06
Sewer:	\$132,932.36
Water:	\$ 8,050.94
Branchport Light	\$ 266.51
Trust:	\$ 172.00

February Utilities/Debt Payments:

General:	\$ 2,087.96
Outside Village:	\$ 31.59

Sewer:	\$ 195.60
Water:	\$29,558.09
Trust:	\$34,357.58

RESOLUTION #51-13
SUPERVISOR REPORT

On a motion of Councilor Steppe, seconded by Councilor Folts, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of February 2013 be accepted as presented.

PRESENTATION - YATES COUNTY BOARD OF ELECTIONS

Amy Daines, Republican Commissioner and Bob Brechko, Democratic Commissioner provided an overview of the following discussion items:

- Budget/Reapportionment (issues, challenges)
- Board cost saving measures (primary staffing, annual registration, ballots, applying for grant for full document imaging)
- Election Commissioners Association (ECA) Legislative agenda (district size, changing date of Primary, staffing)
- Current Bills in State Legislature (*potential* early voting, no fault absentee voting, increase district size to 3000 voters)
- Voter registration & turnout statistics
- Voting equipment upgrade
- 2013 Offices up for Election
- Code Enforcement & Assessors-New Streets/Roads/Subdivisions/Developments/Closures (Notify BOE to maintain "Street Finder" and prepare prior to Voters registering from the residential address. It can take the Post Office 6 months to get new street established. We work with PO, 911 Chief Dispatcher, Real Property Director, Code Enforcers, Assessors, Clerks, Fire Chiefs, EMS Coordinator, and School District Staff. An email update would be sufficient.)
- Would like to attend CEO county wide meeting
- Facility Use - our thoughts, needs and concerns
- Facility use after equipment and supplies delivered
- Web site - additions, questions, desired content

Yates County Legislator Fitch stated the County is fortunate to have our Commissioners working as a team to streamline their department to become more efficient and reduce costs.

Councilor Steppe noted concern over the allocation of election costs based on assessed values which results in Jerusalem paying a large portion. Councilor Killen will provide a financial analysis of costs to Supervisor Jones who will submit this to the County for discussion purposes to identify alternative cost allocation methodologies.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Highway Superintendent Martin presented cost estimates to purchase a Sensaphone monitoring system with temperature sensors and electrical disconnects that will be installed in the seven trucks and the Gradall as a fire safety measure. NYMIR would not extend a reduction in our insurance premium based on this purchase. Councilor Killen suggested putting the insurance out for bid in 2014.

TOWN ENGINEER

- Town Engineer Ackart stated the Keuka Park telemetry equipment is operational.
- We experienced two breaks in our aging force main sewer system in the last month.

COUNCIL

- Councilor Folts reported the Zoning Board heard one area variance application. Zoning Board Chair Jim Crevelling is developing an outline to conduct in-house training as time allows at their monthly meetings.
- On behalf of the Planning Board, Councilor Steppe inquired as to the length of a building permit and the Town's procedure to track conditions placed on site plan approvals. Councilor Parson will follow up with Code Enforcement Phillips on these matters.
- Councilor Killen held a preliminary meeting with Summer Recreation Program Director, Bev Eggleston and Finger Lakes Museum Education Coordinator Mike Sullivan to discuss possible outreach activities and education for our program participants this summer.
- Councilor Parson stated the Assessor made arrangements with the Town of Starkey Assessor to assist with revaluation and assessments of employee properties. This will be done at no cost to the Town and avoid conflicts.
- Councilor Parson stated the Town Board adopted a resolution on using the time clock three years ago. Exceptions have been brought forward periodically regarding the use of the time

clock, but we cannot keep making exceptions. The Personnel Committee is meeting on March 28th and will submit their recommendation to the Town Board. Prior time clock resolutions will be sent to the Board for review. Councilor Killen requested any comments be submitted to the Personnel Committee for consideration at their March 28th meeting.

- Councilor Parson presented a request from John Wheeler to refund his building permit issued 11/10/2010 as it was cost prohibitive to tear down and rebuild a structure, so he sold the property. Councilor Steppe recused himself from this discussion. Councilor Parson will follow up with Code Enforcement Phillips on this matter.

SUPERVISOR

- The Branchport United Methodist Church is hosting a Red, White and Blue 5K run/walk at 8:00 A.M. on July 4th. The route begins and ends at the Church on Guyanoga Road to Belknap Hill Road.
- The Peasantman Steel Distance Triathlon is being planned on August 18th. This is an all-day event that includes swimming, running and biking throughout Yates County. The running course will be staged at Old Pines Trail to 54A to Central Avenue. Supervisor Jones has been in contact with the Yates County Sheriffs' Department and the Village of Penn Yan. Information can be found at peasantman.com.
- Supervisor Jones noted the 2013-2014 NYMIR insurance renewal is reduced \$626 to \$36,852. Following further discussion on the Sensaphone monitoring system purchase, Councilor Parson offered to contact Sprague Insurance regarding discounts offered.

SUBCOMMITTEE REPORTS

AGR/ZONING REVIEW SUBCOMMITTEE

The March 18th meeting was rescheduled to March 25 due to the weather.

RESOLUTION #52-13

RESOLUTION TO REPEAL THE RECENTLY ENACTED STATE GUN CONTROL LAWS (NY SAFE ACT)

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

WHEREAS, recent gun control legislation known as the "NY Safe Act", that was enacted into law by the State Legislature and signed by the Governor, created serious implications that restrict the Second Amendment rights of the citizens of New York; and

WHEREAS, the law is very complex and creates unfair restrictions on firearm ownership and the rights of law-abiding citizens; and

WHEREAS, the legislation was rushed through passage in both houses of the State Legislature without proper review and deliberation that laws of this magnitude deserve; and

WHEREAS, the manner in which Governor Cuomo and Legislators enacted the laws demonstrated their disdain for transparency and open government in New York State; and

WHEREAS, residents of New York State deserve better from their elected representatives; and

WHEREAS, the New York Sheriff's Association convened its members and formulated a formal Position Statement which identifies specific problems with the new overly restrictive law; now therefore be it

RESOLVED, that the Jerusalem Town Board hereby demands that State Legislators re-convene to repeal said "NY SAFE Act" that violates the rights of citizens as guaranteed by the U.S. Constitution and the Second Amendment; and be it further

RESOLVED, that the Board endorses the Position Statement of the New York State Sheriff's Association as a starting point for deliberations on how to rectify problems with the new overly restrictive law; and, be it further

RESOLVED, that certified copies of the Resolution be forwarded to Governor Cuomo, U.S. Congressman Tom Reed, NY Senator Tom O'Mara, NY Assemblyman Phil Palmesano, Yates County Sheriff Ron Spike and the New York State Sheriffs' Association.

RESOLUTION #53-13

ADVERTISE TRACTOR PURCHASE

On a motion of Councilor Parson, seconded by Councilor Steppe, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas the Highway Superintendent desires authorization to advertise for the purchase of a new and unused 2013 tractor with new and unused 2013 side and rear flail mowers.

Whereas the 2013 Highway DB budget appropriates the purchase of such within DB5130.2; now, therefore, be it.

RESOLVED that the Highway Superintendent be authorized to advertise in the Town's official newspaper to take sealed bids through April 15, 2013 for the purchase of a new and unused 2013 tractor with new and unused 2013 side and rear flail mowers.

RESOLUTION #54-13
AUTHORIZE HIGHWAY TRAINING

On a motion of Councilor Steppe, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas Cornell Local Roads Program is hosting the Spring 2013 Workshop on Roadway & Roadside Drainage on April 18, 2013 in Penn Yan; and

Whereas the cost is \$50 per person; now, therefore be it

Resolved the attendance of two (2) Highway Department employees be authorized for the Roadway & Roadside Drainage Workshop at a cost of \$100, with funds to be taken from the 5010 funds.

RESOLUTION #55-13
AUTHORIZE KPSW TRAINING - NEW YORK RURAL WATER ASSOCIATION'S 34TH ANNUAL TECHNICAL CONFERENCE & EXHIBITION 2013

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

ADOPTED	Ayes	4	Folts, Jones, Killen, Steppe
	Nays	1	Parson

Whereas New York Rural Water Association is hosting the 34th Annual Technical Conference & Exhibition 2013, May 20, 2013 through Thursday, May 23, 2013, at the Turning Stone Resort in Verona, New York; and

Whereas the cost for a pre-registered 2013 NY Rural Water Member is \$355.00; and

Whereas the cost of lodging for 2 nights at the High Peaks Resort is \$248.00; and

Whereas the cost of thruway tolls is \$4.20; and

Whereas accreditation of operator contact hours will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; and

Whereas instruction/training is included in the 2013 Water/ Sewer budgets; now, therefore, be it

Resolved to authorize attendance of (1) person from the Water/ Sewer Department to attend the New York Rural Water Association's 34th Annual Technical Conference & Exhibition 2013 at a cost not to exceed \$607.20 with the cost being split evenly between the 8102 and 8340 funds.

RESOLUTION #56-13

AUTHORIZE KPSW TRAINING - FINGER LAKES WATER WORKS CONFERENCE

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas Finger Lakes Water Works Conference is hosting the Spring Meeting at Harbor Hotel, 16 N. Franklin Street, Watkins Glen; and

Whereas the cost for a pre-paid, pre-registered 2013 Conference Member for Thursday, April 4, 2013 is \$24.00/person; and

Whereas accreditation of operator contact hours will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; and

Whereas instruction and training expenses were approved in the 2013 budget; now, therefore, be it

Resolved to authorize attendance of up to (2) people to attend the Finger Lakes Water Works Conference Annual Business meeting at a cost of \$24.00/person. This cost will be split evenly between 8120 and 8340 funds.

RESOLUTION #57-13

2013 BUDGET AMENDMENT - NYSERDA REBATE PROGRAM

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas, the Town applied through the New York State Energy Research and Development Authority Rebate Program (NYSERDA) to aid with the cost of specific energy efficient items as listed under the rebate program; and

Whereas, energy efficient items (refrigerator and copier for the highway barn and copier for the town office) were purchased in February of 2013; and

Whereas the Town received a check from the NYSERDA rebate program; now, therefore, be it

Resolved that the 2013 budget be amended to recognize said rebate as follows:

General Budget

Increase revenue	2770	\$3,333.92
Increase expense	1620.4	\$2,809.68
Increase expense	5132.4	\$ 524.24

Sewer Budget

Increase revenue	2770	\$ 468.28
Increase expense	8110.2	\$ 468.28

Water Budget

Increase revenue	2770	\$ 468.29
Increase expense	8310.2	\$ 468.29

RESOLUTION #58-13

EMPLOYEE HANDBOOK AMENDMENT SECTION 504

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Whereas the Employee Handbook was adopted May 16, 2007 and has not been reviewed yearly and

Whereas the Bookkeeper desires to change the time and date for the submission of time records to be no later than 10:00 AM on Monday of payroll week and

Whereas upon the recent evaluation of Time Records (section 504) by the personnel committee and it is stated in this section "Department Heads must submit time records to the Bookkeeper no later than 12:00 noon on Tuesday of payroll weeks" and

Whereas the personnel committee requests that the above policy be amended by the Town Board, now be it

RESOLVED that Time Records (section 504) of the Employee Handbook be altered to state "Department Heads must submit time records to the Bookkeeper no later than

10:00 AM on Monday of payroll weeks".

RESOLUTION #59-13

A REFUNDING BOND RESOLUTION DATED MARCH 20, 2013 AUTHORIZING THE
ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF
REFUNDING BONDS OF THE TOWN OF JERUSALEM, NEW YORK, TO BE
DESIGNATED SUBSTANTIALLY AS "REFUNDING (SERIAL) BONDS" AND
PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF
THE BONDS TO BE REFUNDED THEREBY.

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

ADOPTED BY ROLL CALL VOTE

Councilor Steppe	Aye
Councilor Folts	Aye
Councilor Parson	Aye
Councilor Killen	Aye
Supervisor Jones	Aye

WHEREAS, the Town of Jerusalem, New York (the "Town") has heretofore duly issued \$1,732,550 initial aggregate principal amount of Water Improvement (Serial) Bonds, 1998, such bonds being dated August 14, 1998 and maturing in annual installments in each of the years 1999 to 2032, both inclusive (the "1998 Refunded Bonds"), as more fully described therein, and \$1,741,489 initial aggregate principal amount of Water Improvement (Serial) Bonds, 2000, such bonds being dated May 15, 2000 and maturing in annual installments in each of the years 2001 to 2038, both inclusive (the "2000 Refunded Bonds"), as more fully described therein, and \$3,449,283 initial aggregate principal amount of Sewer Improvement (Serial) Bonds, 2003, such bonds being dated September 24, 2003 and maturing in annual installments in each of the years 2004 to 2040, both inclusive (the "2003 Refunded Bonds"), as more fully described therein (collectively, the "Refunded Bonds"); and

WHEREAS, the 1998 Refunded Bonds were authorized pursuant to a bond resolution dated June 14, 1995, to finance capital improvements consisting of the construction of the construction of a water distribution system to serve Extension No. 1 to Keuka Park Water District of the Town of Jerusalem, New York; and the 2000 Refunded Bonds were authorized pursuant to a bond resolution dated December 10, 1997, to finance capital improvements consisting of improvements in connection with the establishment of Extension No. 2 to the Keuka Park Water District of the Town of Jerusalem, New York; and the 2003 Refunded Bonds were authorized pursuant to a bond resolution dated December 30, 1999, to finance capital improvements consisting of improvements in connection with the establishment of the Keuka Park Sewer District Extension No. 2 of the Town of Jerusalem, New York; and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$1,307,000 outstanding principal balance of the 1998 Refunded Bonds, and the \$1,434,000 outstanding principal balance of the 2000 Refunded Bonds, and the \$3,034,000 outstanding principal balance of the 2003 Refunded Bonds (all such outstanding principal balance being stated as of the date hereof), each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law, or Section 90.00, if applicable; and

WHEREAS, each such refunding will result in present value savings in debt service as required by the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM, NEW YORK AS FOLLOWS:

Section 1. For the object or purpose of refunding a portion of the \$5,775,000 outstanding aggregate principal amount of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay; (i) the principal amount of the Refunded Bonds; (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the maturity dates thereof or the date on which the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined; (iii) the costs and expenses incidental to the issuance of refunding bonds herein authorized, if any that are not to be paid from current funds available therefor, including, without limitation, the development of the Refunding Financial Plan, compensation to the Underwriter, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned; (iv) the redemption premium, if any, to be paid on the Refunded Bonds which are to be called prior to their respective maturities, if any; and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$5,875,000 par amount of refunding serial bonds of the Town pursuant to the provisions of Section 90.10 of the Local Finance Law, or Section 90.00, if applicable (the "Refunding Bonds"), plus an original original issue premium and cash deposit sufficient to effectuate the refunding financial plan, it being anticipated that the par amount of Refunding Bonds actually to be issued will be

approximately \$5,730,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, as the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Town Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph (f) of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Town Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Town Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-23856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall

be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the Town maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Town Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Town Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the

Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Town Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Town Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the Town Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph (j) of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph e of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that: (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law; (b) the maximum period of probable usefulness permitted by law at the time of the issuance of each issue of the Refunded Bonds for the object or purpose for which the Refunded Bonds were issued is as follows: (i) 1998 Refunded Bonds - 40 years, pursuant to Subdivision 1 of paragraph a. of Section 11.00 of the Local Finance Law, (ii) 2000 Refunded Bonds - 40 years, pursuant to Subdivision 1 of paragraph a. of Section 11.00 of the Local Finance Law, and (iii) 2003 Refunded Bonds - 40 years, pursuant to Subdivision 4 of

paragraph a. of Section 11.00 of the Local Finance Law, computed from the date of the first obligations issued therefor; (c) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Refunded Bonds subject to such requirements, if any, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, and, to the extent required by the Local Finance Law, the estimated present value of the total debt service savings, and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in the Exhibit attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in a single series to refund all of the Refunded Bonds and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Refunding Financial Plan. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, interest rate or rates borne by the Refunding Bonds and provisions for redemption thereof prior to maturity, if applicable, will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto. The Town Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Town Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law, or Section

90.00, as applicable. The Town Supervisor shall file a copy of his or her certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Town Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively, the "Escrow Contract") with a bank or trust company or banks or trust companies located and authorized to do business in this State as he or she shall designate (collectively, the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in section 90.10 of the Local Finance Law, to the extent such Section 90.10 is applicable, if any.

Section 6. The faith and credit of said Town of Jerusalem, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. 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. There shall be annually levied on all the taxable real property within said Town a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder. Accrued interest on the Bonds shall be paid to the Town to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders from time to time of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Town irrespective of whether such parties have notice

thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the Town shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated by the United States Treasury Department thereunder, as then in effect.

Section 9. Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds to be refunded maturing on and after the date of issuance of the Refunding Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the respective Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to the underwriter or underwriters duly determined by the Town Supervisor (collectively, the "Underwriter") for purchase prices to be determined by the Town Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of a payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, if applicable, the Town Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Town Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest.

Section 11. The Town Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds, consistent with the provisions of Section 90.10 of the Local Finance Law, or Section 90.00, if applicable, including without limitation, the determination to issue Refunding Bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor and all powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Town Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution (or a summary hereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, or a summary hereof, shall be published in full in each official newspaper of said Town, together with a notice in substantially the form provided in Section 81.00 of the Local Finance Law.

REFUNDING FINANCIAL PLAN EXHIBIT
to
Town of Jerusalem
Refunding Bond Resolution Dated March 20, 2013

Sources and Uses of Funds:

Sources of Funds:

Refunding Bonds	\$5,730,000.00
Premium	\$ 141,368.75
TOTAL Sources of Funds	<u>\$5,871,368.75</u>

Uses of Funds:

Deposit to escrow for Outstanding Bonds P&I	\$5,729,148.98
Costs of Issuance (including underwriter's discount and insurance premium, if any, and other expenses)	<u>142,219.77</u>
TOTAL Uses of Funds	<u>\$5,871,368.75</u>

Estimate of the present value of the total debt service savings anticipated, computed with a discount factor and effective interest cost of the refunding bonds and bond to be refunded of 3.575631%, in accordance with Local Finance Law §90.10b.2.(a) . \$ 343,412.13

RESOLUTION #60-13

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF PROPOSED LOCAL LAW 2-2013 FENCE REGULATIONS

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

DEFEATED BY ROLL CALL VOTE:

Councilor Folts	Nay
Councilor Parson	Nay
Councilor Steppe	Nay
Supervisor Jones	Aye
Councilor Killen	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem to hold a public hearing at 7:15 p.m. on November 14, 2012, at the Jerusalem Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested persons on a proposed Local Law entitled Fence Regulations, and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on October 31, 2012, and

WHEREAS, said public hearing was duly held on November 14, 2012, at 7:20 p.m. at the Jerusalem Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, this is a Type II action under part 617 of the regulations pertaining to the State Environmental Quality Review Act (SEQRA) so that an Environmental Assessment Form is not required, and

WHEREAS, referral to the Yates County Planning Board pursuant to section 239-m of the General Municipal Law is not required, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts Local Law No. 2 of 2013 entitled Fence Regulations, a copy of which is attached hereto and made a part of this resolution,

Be It enacted by the Town of Jerusalem as follows:

1. Title, scope, purpose

A. Title- This chapter shall be known as the Fence Law of the Town of Jerusalem, hereinafter referred to as "this Chapter."

B. Scope- This Chapter shall apply to all fences erected, placed or replaced within the Town of Jerusalem after it becomes law, with certain exceptions stated in this law.

C. Purpose-The purpose of these regulations is to prohibit the erection of fences and hedges in the Town of Jerusalem that obstruct a view from neighboring premises (particularly in the areas adjoining the lake) or that obstruct visibility on streets and highways in densely populated areas.

2. Definitions

As used in this chapter, the following terms shall have the meaning indicated:

A. Agricultural Applications

Shall have the same meaning as set forth in New York State Agriculture and Markets Law Article 1(2) & Article 25-AA (301).

B. LAKEFRONT PROPERTY

Property that is in actual contact with the lake.

C. LIVING FENCE

Any fence or hedge composed of live materials.

3. Materials and Maintenance:

A. Fences shall be constructed of wood, metal, masonry, PVC permanent fencing material, vinyl, chain link or stone.

B. They shall be well-maintained, neat and attractive in appearance, stained, or painted; safe, sound, and in an upright condition. Maintenance shall be the responsibility of the owner.

C. The following types of materials are not allowed: concrete barricade, solid metal (e.g., bus tops), canvas fence, cloth fences, barbed wire, razor wire, sheet metal, corrugated metal, fiberglass panels.

D. Fences shall have the smooth or finished side facing to the outside of the property of the owner installing the fence. Fence posts will be placed on the inside of the fence, unless the design of the fence makes both sides equivalent in appearance (such as, without limitation, split rail or PVC fences having posts placed between panels).

4. Location:

A. Fences facing a town road, county road, state road, or other road right-of-way shall be placed no closer than 10 feet from the fog line or edge of travelled portion of roadway.

B. No fence or hedge shall be erected or planted so as to encroach upon a public or private right-of-way.

C. Fences on the lake side of lakefront property shall set back 25 feet from the high water mark.

5. Height:

A. No fence or hedge on lakefront property and no fence or hedge between a residence and the road shall be over four feet high.

B. On lakefront properties, any new plantings, except trees, within 50 feet of the lake, such as but not limited to bushes and hedgerows, shall not obstruct any neighboring view and shall not exceed four feet in height.

C. No fence or hedge that is not on lakefront property shall be over six feet high.

D. Any type of fence or barrier built or grown located at any road intersection shall have a maximum height of three feet so that it will not block the view of traffic from either road. Living fences at road intersections shall be set back a distance of 10 feet from the property line and maintained at no more than three feet in height at all times.

E. A fence shall be set on and shall be measured from the existing ground. No buildup of ground elevation is permitted.

F. The height restrictions in Section 5 do not apply to fences or hedges used in agricultural operations or to other hedges, hedgerows, or trees forming windbreaks.

6. SPECIAL PROVISIONS:

- A. PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES: A fence not exceeding six feet in height is permitted anywhere on any public playground, public park, or private school premises. However, this requirement shall not apply to chain link fences used for baseball/softball backstops or around tennis courts or recreational facilities, which may be of the customary height for those applications
- B. SWIMMING POOLS: Outdoor swimming pools shall be enclosed by a protective fence in accordance with the requirements of the New York State Uniform Building and Fire Codes.

7. EXEMPTIONS: This chapter does not apply to and no permit shall be required for:

- A. Fences used in connection with bona fide Agricultural Applications.
- B. Non-boundary fences for the containment of pets, or for surrounding gardens or flowerbeds.
- C. Snow Fences that are set up during the months of November through April.
- D. Construction-erosion control fences.

8. PROCEDURE:

- A. Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application for a permit to the Code Enforcement Officer on a form provided by the Code Enforcement Officer.
- B. The application shall be accompanied by a site plan or survey showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Town, and shall be accompanied by a non-refundable fee in the amount established by the town board from time to time.
- C. The application shall contain the owner's name, address, and signature and any other information reasonably required by the Code Enforcement Officer in order to enforce the terms of this Chapter:
- D. Upon approval, the Code Enforcement Officer shall issue a permit for the construction of the fence, which will become void one year from the date thereon.
- E. The permit shall be available on the job during the progress of the work so that it may be inspected by the Code Enforcement Officer.

9. SURVEYS:

- A. It is strongly recommended that, prior to the placement of a fence, the owner obtain a certified survey of the

- property in order to ensure that the fence will be located entirely within the owner's property boundaries.
- B. If no survey is provided, then the applicant must provide a notarized letter from each affected adjoining property owner indicating knowledge of planned fence and agreement as to the property line and location of fence and a site plan showing the proposed location of the fence may be requested prior to receiving a permit.
 - C. The issuance of a Certificate of Compliance by the Code Enforcement Officer for the placement of a fence does not constitute verification that the fence is located within the property lines and the Town shall bear no responsibility if the fence is improperly located on adjacent property.

10. COMPLAINTS:

The Code Enforcement Officer shall review and investigate complaints that claim the existence of conditions or activities that fail to comply with this Chapter. The process for responding to a complaint shall include, but is not limited to, the following steps as deemed appropriate by the Code Enforcement Officer:

- A. The complaint shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer and shall contain the contact information and signature of the claimant;
- B. He shall perform an inspection of the condition and/or activities alleged to be in violation, and make a written report of the results of such inspection;
- C. If a violation is found to exist, he shall provide the Owner of the affected property with a Notice of the Violation and opportunity to abate, correct or cure the violation. He shall also have the authority to commence and prosecute a proceeding in the Town Court for the imposition of the penalties provided in this Chapter; and
- D. If a violation that was found to exist is abated or corrected, he shall perform an inspection to ensure that the violation has been abated or corrected and shall prepare a final written report reflecting such abatement or correction, and file it with the complaint.

11. PENALTY

Any person, firm or corporation, or his or her or its agent, servant, workman or employee, violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250 and/or imprisonment for a term not exceeding 15 days. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.

12. VARIANCE

A. Should any owner of property affected by this Law suffer a hardship in the way of carrying out the strict letter of this Law, then the owner of that property may apply to the Board of Zoning Appeals of the Town in writing for a variance from strict compliance with this Law upon submission of proof of such hardship.

B. Procedure. The application for such a variance shall be treated in all respects as an application for an area variance from the zoning laws. The provisions of Article XV of chapter 160 that relate to Area Variances shall apply.

13. SEVERABILITY

If any portion of this law is found to be unconstitutional or repealed, then the remaining portion shall continue in effect.

;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.

Councilor Killen was commended for the work done on this proposed local law, but the community was not in favor of it. The Town should not create a law that we do not have the resources to enforce.

YATES COUNTY SOIL & WATER \$50 INSPECTION FEE

Yates County Soil and Water will charge \$50 to the Town for each additional inspection conducted after their initial review of a project. Chapter 137. Steep Slopes and Chapter 84. Fees. contain reimbursement provisions.

RESOLUTION #61-13

MOVE TO EXECUTIVE SESSION

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that this meeting be interrupted to enter into Executive Session to discuss pending litigation with Penn Yan.

The Executive Session convened at 8:54 P.M.

Deputy Supervisor Stewart, Town Attorney Bailey and Town Engineer Ackart attended.

RESOLUTION #62-13

RESOLUTION AUTHORIZING TOWN SUPERVISOR TO FILE AND SERVE A NOTICE OF CLAIM WITH THE VILLAGE OF PENN YAN, NEW YORK

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
 Nays 0

WHEREAS, the Town of Jerusalem (the "Town") and the Village of Penn Yan (the "Village") have been involved in ongoing litigation entitled *Village of Penn Yan v. Town of Jerusalem*, (Yates County Index No.: 2008-00331) with respect to an ongoing dispute over a Sewage Disposal Agreement entered into on November 8, 1995 (the "Agreement") and an Addendum to the Agreement, entered into on February 13, 2002 (the "Addendum"); and

WHEREAS, efforts have been made by the Town to resolve the dispute without further litigation, and such efforts have been unsuccessful; and

WHEREAS, the Town Board, through its investigation of the subject matter of the litigation has identified other breaches of the Agreement and Addendum by the Village and other legal and factual issues that require an amendment to the pleadings or commencement of a new lawsuit altogether; and

WHEREAS, these breaches have and continue to harm the Town, and they are ongoing and continuous; and

WHEREAS, the Agreement and Addendum are violative of law, and the Town is entitled to declaratory and injunctive relief; and

WHEREAS, the General Municipal Law requires that, as a condition precedent to suit, a notice of claim be filed with the Village Clerk; and

WHEREAS, the Town has determined that filing and serving a notice of claim with respect to the Village's continuing breaches of the Agreement and Addendum is required;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jerusalem that:

1. The Town Supervisor is authorized to take all necessary steps, working with the Town's special counsel, to ensure that a notice of claim is filed and served in accordance with applicable law.

2. This resolution is effective immediately.

RESOLUTION #63-13

RETURN TO REGULAR SESSION

On a motion of Councilor Folts, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:10 P.M.

Town Engineer Ackart left the meeting.

RESOLUTION #64-13

MOVE TO EXECUTIVE SESSION

On a motion of Councilor Folts, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

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

The Executive Session convened at 9:10 P.M.

RESOLUTION #65-13

APPOINTMENT - PLANNING BOARD SECRETARY

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved Supervisor Jones advise Christine Andrews that her probationary appointment ended March 20, 2013 and the Town Board did not reappoint her to the position of Planning Board Secretary.

RESOLUTION #66-13

RETURN TO REGULAR SESSION

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe
Nays 0

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:30 P.M.

Jerusalem Town Board
March 20, 2013

RESOLUTION #67-13

ADVERTISE FOR PLANNING BOARD SECRETARY

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

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved the Town place a block ad in the Town's official newspaper, *The Chronicle Express* for the position of Planning Board Secretary. Said ad will be published for three weeks.

(Note: The ad was not placed as a qualified candidate was identified.)

With there being no further business, on a motion of Councilor Folts, seconded by Councilor Killen, the meeting was adjourned at 9:31 P.M.

Sheila McMichael, Town Clerk