

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 15, 2021 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Stewart, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Sarah Purdy, Tim Cutler, Jim Bird, Dixon Zorovich, Paul Zorovich,

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

RESOLUTION #177-21
APPROVAL OF MINUTES

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

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

Resolved the minutes of the November 17, 2021 minutes be approved with an amendment to Resolution #168-21 the KPSW Fees and Rates will go into effect on January 1, 2022.

RESOLUTION #178-21
AUDIT OF CLAIMS

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

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

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

General:	\$12,584.40
Outside Village	\$ 2,324.47
Highway DB:	\$36,988.80
Sewer:	\$ 6,243.51
Water:	\$50,759.68
Branchport Light	\$ 716.02
Capital:	\$ 187.86
November Utilities:	
General:	\$ 1,228.82
Sewer:	\$ 31.77
Trust:	\$140,752.02

RESOLUTION #179-22
SUPERVISOR REPORT

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

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

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

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Traffic is being detoured on Italy Friend Road while City Hill Excavating installs the cross over pipe. (Resolution #157-21)
- A camera has been installed on East Bluff Drive where the landslide occurred to identify who is dumping leaves at the site.
- A construction site on West Bluff Drive was shut down and repairs made to the area as a mud slide went onto the neighbor's property.
- Work has been limited due to staff using benefit time prior to yearend.

RECOGNITION - COUNCILOR RAY STEWART

Councilor Stewart's term will be expiring December 31st. Councilor Jones recognized and thanked Councilor Stewart for his years of service to the Town.

PUBLIC HEARING

With proof of notice, the public hearing on Local Law D-2021 enacting a Property Maintenance law was open at 7:05 P.M.

- o Dixon Zorovich questioned if the intent was the health and safety of the residents or esthetics.
- o Councilor Castner stated gas and oil seeping from rotting cars in hedgerows is a concern.
- o Code Enforcement Officer Gerhardt explained this provides an option for the Town to have work done and bill the property owner versus issuing an appearance ticket.
- o Dixon Zorovich cautioned the Town in making subjective decisions to enforce a neighbor dispute.
- o Supervisor Sisson stated he will work closely with the CEO on this.
- o Councilor Stewart stated in his twenty years working at the Town, this is the first time the CEO has proposed a way to get his job done.
- o Jim Bird stated he does not feel it is subjective, but well-defined.
- o Councilor Jones stated it gives the CEO the tools needed to do his job.

The hearing was left open.

WATER/SEWER REPORT

- Councilor Stewart reported the NYS Department of Health completed their Water Field Compliance Report on December 8th.
- Stephan Consulting completed water leak detection in Keuka Park.
- 72% of our annual hydrant flushing was done this year.

SUPERVISOR

- Casella Waste has not been servicing customers on the bluff due to the road closure caused by the East Bluff Drive land slide and area roads posted for seasonal maintenance November 1 - April 1.
- Issue No. 2 of the Jerusalem Journal is available.
- Supervisor Sisson also thanked Councilor Stewart for his service to the community and serving as his Deputy.
- A conference call was held today with Standard & Poor's Global Ratings. Our rating will be issued based on the Town's financial performance.
- We met with Larson Engineers at the East Bluff Drive landslide site. Their report will be forthcoming.

RESOLUTION #180-21

AUTHORIZE LARSON DESIGN GROUP TASK ORDER - EAST BLUFF LAND SLIDE

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

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

Resolved that the Supervisor is hereby authorized to sign Task Order #21-4 in accordance with the Consultant Agreement between the Town of Jerusalem and Larson Design Group, for an engineering evaluation of the mudslide/slope failure of East Bluff Drive with a summary report.

RESOLUTION #181-21

RENEW LARSON DESIGN GROUP CONTRACT

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

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

Resolved the Supervisor be authorized to execute the 2022-2023 General Consulting Services Agreement for Professional Services with Larson Design Group.

RESOLUTION #182-21

AUTHORIZE HIGHWAY BUILDING GENERATOR BID

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

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

Resolved the Highway Superintendent be authorized to place an ad in the Town's Official Newspaper for the purpose of receiving sealed bids for a new and unused automatic standby generator to support the Highway Building to replace an existing, non-functioning 20kW generator; and, be it further

Resolved the purchase will be funded by the 5110.4 of the Highway DB budget.

RESOLUTION #183-21

PROPOSED LOCAL LAW E-2021 CHAPTER 152 WATER AMENDMENT

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

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

Whereas the New York State Department of Health conducted their Water System Field Compliance Review and identified the need to amend Chapter 152 Water to further define the responsibility of water users in violation of the New York Sanitary Code; and

Whereas the Water/Sewer Department reviewed other municipal codes and recommends additional wording that if water user is in violation, the water supplier may terminate water service until water user is in full compliance; now, therefore, be it

Resolved said wording be submitted to Attorney Jeff Graff to draft into local law amending Chapter 152 Water; and, be it further

Resolved when the local law goes into effect, our water connection application will be amended to include:

Water user shall submit backflow prevention device reports to the township with 14 days of testing. Any backflow device repairs or failures shall be corrected or replaced within 30 days of test.

RESOLUTION #184-21

2021 BUDGET MODIFICATION - MEDICAL BUY OUT

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

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

Whereas, the Town offers a medical buy-out of \$2,000 annually for the period in which coverage is waived for a full-time employee or Elected Official (Section #807 of the Employee Handbook); and

Whereas, two elected officials waived coverage for 2021 within the General A fund; and

Whereas, funds are available within the 9060.8 (medical/dental) expense code for such buy-outs;

NOW, THEREFORE BE IT RESOLVED that the Town Board modifies the 2021 General A Fund Budget as follows:

Decrease 9060.8 (Medical/Dental) \$ 4,000
Increase 1010.1 (Town Board PS) \$ 4,000

RESOLUTION #185-21

AMEND RESOLUTION #74-20 STANDARD WORK DAY AND REPORTING

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

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

Whereas Resolution #74-20 established the standard work day reporting figure and the Office of the New York State Retirement System is requesting an adjustment to said reporting based on the submitted Record of Activities; now, therefore, be it

Resolved, that the Town of Jerusalem amends the following as standard work days for elected officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the Clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term	Employer Record of Time Worked	Days/Month
Councilor	Steve Castner	6	1/1/2020- 12/31/2023	Y	2.06 -.92
Town Clerk	Sheila McMichael	6	1/1/2020- 12/31/2023	Y	24.79
Highway Superintendent	Anthony Hurd	8	1/1/2020- 12/31/2023	Y	26.66

The Town Clerk is hereby directed to post this resolution on the Town of Jerusalem website for a minimum of 30 days; to file a certified copy of this resolution and affidavit of posting with the Office of the State Comptroller within 15 days after the 30 day public posting period ends; to retain records of work activities for thirty (30) years; and to provide complete copies to the NYS Comptroller upon request.

RESOLUTION #186-21

EMPLOYEE EARLY RELEASE

On a motion of, seconded by, the following was

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

Nays 0

Resolved employees be released at 12:00 noon on December 23, 2021 for the holiday.

RESOLUTION #187-21

SCHEDULE 2022 ORGANIZATION MEETING

On a motion of, seconded by, the following was

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

Resolved the 2022 Organization Meeting be held at 4:00 P.M. on Wednesday, January 5, 2022.

RESOLUTION #188-21

RESOLUTION AUTHORIZING ADOPTION OF LOCAL LAW NO. 4 OF 2021 ENACTING A PROPERTY MAINTENANCE LAW

On a motion of, seconded by, the following was

ADOPTED BY Roll Call Vote:

Councilor Castner	Aye
Councilor Jones	Aye
Councilor Lent	Aye
Supervisor Sisson	Aye
Councilor Stewart	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on December 15, 2021, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law Enacting a Property Maintenance Law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on December 1, 2021 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 15, 2021, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 4 of 2021, entitled, "A Local Law Enacting a Property Maintenance Law", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem and to give due notice of the adoption of said local law to the Secretary of State of New York.

Local Law No. 4 of the year 2021

A Local Law Enacting a Property Maintenance Law

Be it enacted by the Town Board

Town of Jerusalem

as follows:

Section 1. The Code of the Town of Jerusalem is hereby amended with the insertion of a new Chapter 118 to read as follows:

§ 118-1. Title.

This chapter shall be known as the "Property Maintenance Law of the Town of Jerusalem."

§ 118-2. Purpose.

The purpose of this chapter is to promote the general health, safety and welfare of the residents of the Town of Jerusalem and to protect the value of real property in the Town of Jerusalem and to promote and perpetuate the attractive appearance of the community, by requiring proper maintenance of real property within the Town.

§ 118-3. Legislative authority.

The Town Board of the Town of Jerusalem enacts this chapter under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10).
- B. New York State Municipal Home Rule Law, § 10 Subdivision 1(i) and (ii) and Subdivision 1(a)(6), (11) (12), and (14).
- C. New York State Town Law § 64 Subdivision 5-a, Removal of fire and health hazards and weeds.
- D. New York State Town Law § 130 Subdivision 15, Promotion of public welfare.

§ 118-4 Definitions

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

Abandoned Motor Vehicle – Any motor vehicle defined as an "abandoned vehicle" pursuant to § 1224 of the Vehicle and Traffic Law of the State of New York, as amended, and/or an unregistered, uninspected or inoperable automobile, boat, snowmobile, lawn mower, go-cart, motorcycle or other motor vehicle which is openly stored or situated on property within the Town of Jerusalem.

Junk Vehicle — Any automobile, boat, snowmobile, lawn mower, go-cart, motorcycle or other motor vehicle, including component parts thereof, which is stored in open, outdoor storage and which, for any reason, is incapable of moving by its own power in the manner in which it was designed to move, and which is not intended for or in condition for safe and legal use on public highways.

Nuisance, Hazard and Litter – Include, but shall not be limited to, abandoned motor vehicles or junk vehicles or any part thereof unless such party has a license to store the same, any waste metal or materials, garbage, refuse, rubbish, old refrigerators, stoves or like products,

used bottles or cans, glass, wood, lumber or vegetable matter of any kind or any other matter which is flammable or capable of fermentation, evaporation or decay, abandoned building or construction materials or supplies, discarded paper or material of junk substance, tree stumps or matter attractive to vermin or likely to breed disease, cause fire or be a health hazard.

§ 118-5 Prohibited Actions.

A. No person, business or other entity shall place, deposit, store or allow to remain upon any property within the Town of Jerusalem two (2) or more abandoned motor vehicles or two or more junk vehicles for a period of more than four (4) weeks, except in a garage or other similar enclosure.

B. The provisions of Subsection A. of this section shall not apply to new or used car sales dealers at their place of business or to motor vehicle repair garages.

C. No person, business or other entity shall abandon, leave, dump, store or keep any nuisance, hazard or litter upon any public street, public place or privately owned property within the Town of Jerusalem and all properties within the Town of Jerusalem shall be kept free and clear of nuisances, hazards and litter.

§ 118-6 Maintenance.

A. The owner of every improved lot within the Town of Jerusalem and the owner of every vacant lot that is within a subdivision approved by the Town of Jerusalem Planning Board, shall maintain such lot by cutting or mowing such property at least twice a year, but as frequently as is necessary to ensure that no growth of weeds or grass shall exceed ten inches in length or height and shall ensure that there is no accumulation of dead weeds, grass or brush.

B. The owner of every lot or parcel of land in the Town of Jerusalem shall maintain hedges, shrubs and trees so as to keep the same from encroaching onto public sidewalks and into lines of sight of public roadways.

C. The owner, tenant or occupant of property located in the Town of Jerusalem is hereby required to remove all nuisances, hazards and litter or matter attractive to vermin, as hereinabove defined, when ordered to do so by the Town of Jerusalem Code Enforcement Officer within five (5) days of written notice therefore.

§ 118-7. Notice of violation.

A. Upon receiving a complaint or upon any inspection of a property, the Code Enforcement Officer shall determine whether or not there appears to be a violation of this chapter. Upon determining that this chapter has been violated, the Code Enforcement Officer shall give the owner of the real property or other person charged with the maintenance of the property, if known, written notice setting forth the nature and existence of the violation, and the provisions of this chapter violated, and directing that the violation be terminated or corrected within 10 days of the date of such notice. Such notice shall be given personally to the owner, lessee, occupant or other person, or by posting a copy of the notice in a conspicuous place on the real property, or by mailing the same to the address of the real property or that listed by the owner for the receipt of tax bills. If the owner of said property is a non-resident of the Town of Jerusalem or if the Code Enforcement Officer was unable to personally serve the owner, a notice to cure the violation shall also be mailed to such owner by registered mail, addressed to his or her last known address that is on file with the Town Assessor.

- B. The notice shall contain the following:
- (1) A description of the condition of the property needing remediation with citations to the section(s) of this Chapter.
 - (2) An order outlining the manner in which the property is to be made compliant with this chapter within 10 days of the notice date.
 - (3) A statement that in the event of neglect or refusal to comply with the order within the time set forth therein, the Town of Jerusalem is authorized to cause compliance as required in the order, and the total expense of remediation, plus a service charge of 20% thereof to cover the cost of supervision and administration, shall be certified by the Town of Jerusalem Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

§ 118-8. Remediation by Town.

- A. If the person upon whom a notice to cut and/or remove grass, weeds and/or other vegetation is served fails, neglects or refuses to cure the violation within the timeframe specified in the notice, the Town of Jerusalem Code Enforcement Officer shall cause such weeds, grass and other vegetation on such lot or land to be cut and removed, and the actual cost of such cutting and removal plus a service charge of 20% thereof to cover the cost of supervision and administration shall be certified by the Town of Jerusalem Code Enforcement Officer to the Town Supervisor and such certified amount shall thereupon be charged and assessed against the owner, tenant or occupant of the property that was the subject of the violation. The expense, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.
- B. The owner of any lot, land or property found in violation of subsections A., B. or C. of §118-6 of this chapter shall be notified in writing only once in any given year for a particular violation. Subsequent violations of a similar nature at the same location during the same season shall be corrected by the Town or its agent without notice to the owner of said property. After initial notification, such owner, occupant or person having control of said property will be presumed to have been given sufficient notice of infraction for the entire season. The costs incurred by the Town in curing any subsequent violations shall be collected in the same manner as set forth in Subsection A. of this section.
- C. The Town Board of the Town of Jerusalem, by resolution, may cause any nuisance, hazard or litter to be removed from any property within the Town of Jerusalem upon the failure of such owner, tenant or occupant to comply with the written notice aforementioned within the time limit specified on the notice. Said removal may be performed by the Town itself or the Town may contract with a private entity or contractor. The Town Board shall ascertain the cost of such removal, and such cost plus a service charge of 20% thereof to cover the cost of supervision and administration shall be charged and assessed against the owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

D. The removal of any nuisance, hazard or litter by the Town of Jerusalem or its designee or agent shall not operate to excuse such owner from properly maintaining his or her property as required by this chapter, and such owner, tenant or occupant shall, notwithstanding, be subject to the penalties set forth in this chapter.

§ 118-9. Penalties for offenses.

Any person who violates this chapter shall be guilty of a violation, and upon conviction thereof, shall be subject to a fine of not less than \$100, and not more than \$250, or imprisonment for a term not to exceed 15 days, or both. Each week's continued violation shall constitute a separate, additional violation.

§ 118-10. Effect of state law.

The provisions of this chapter shall be subject to and subordinate to the provisions of the New York State Agriculture and Markets Law.

§ 118-11. Administration and enforcement.

The Town of Jerusalem Code Enforcement Officer is hereby charged with the responsibility and duty to administer and enforce this chapter.

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.