

Minutes of the regular monthly meeting of the Jerusalem Town Board held on March 16, 2022 at 7:00 P.M. PRESENT were: Supervisor Sisson, Councilors Castner, Jones, Lent, Purdy, Town Clerk McMichael, Highway Superintendent Hurd.

GUESTS: Tim Cutler, Bob Brechko, Rob Schwarting, Laura Tabatcher, Paul Enos, Doug Paddock.

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

CHANGES TO THE AGENDA:

The following items were added to the agenda:

Board of Elections Presentation  
County Weighted Voting Resolution  
FL Water Works Conference Resolution

RESOLUTION #46-22

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the February 16, 2022 meeting be approved as read.

RESOLUTION #47-22

AUDIT OF CLAIMS

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

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

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

General:                   \$31,348.72  
Outside Village       \$ 5,269.52  
Highway DB:               \$27,014.72  
Sewer:                    \$45,863.50  
Water:                    \$41,268.93  
Capital:                   \$ 2,736.50

February Utilities:

General:                   \$ 1,033.31  
Outside Village:       \$   167.30  
Sewer:                    \$     69.33  
Water:                    \$   161.78  
Trust:                    \$25,117.59

RESOLUTION #48-22  
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of February 2022 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW B-2022 TAX CAP OVERRIDE

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 tax cap override local law.

No one from the public wished to comment.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Spring clean-up, culvert replacements and pot hole repairs are underway.
- Issues on Italy Friend Road related to GPS routing tractor trailers over our road continue. This road is part Town and part County. Weight limit signs are posted on the Town end of the road, but not the County end.

WATER/SEWER REPORT

Councilor Lent provided a summary of the March 1<sup>st</sup> meeting:

- Keuka Park Water Rehab Phase 2 capital project bids are due April 8.
- Crispin Hill Event Center connected to our water and sewer mains as an out-of-district customer.
- Keystone Deck is waiting on their engineer to proceed with their water and sewer connections.
- Routine activities/operations report was given.
- A sink hole on North Ave related to the Keuka Park Water Rehab Phase 1 project is being repaired.
- The Culver Hill bioxide tank will be delivered tomorrow.

ASSESSOR

- Report on file.

COUNCIL

- Councilor Jones attended the KWIC/KLOC meeting. All six outlet gates to regulate the lake level are now working.
- Councilor Purdy is coordinating the second in a series of Slow-Moving Vehicle & Farm Safety Workshops sponsored by the Town Board on April 5, 2022, 7:00-9:00 P.M. at the Branchport Fire House. The program focuses on safety for horse drawn buggies, bicycles and farm equipment.

SUPERVISOR

- Following up from last month's meeting, no resignations have been received from the Board of Assessment Review members. Parker Reynolds' term expires September 30, 2022.
- We have soft launched MapLink, the interactive zoning map. Staff training is scheduled for March 29.
- The Town website has been upgraded.

PRESENTATION - BOARD OF ELECTIONS

Republican Commissioner Rob Schwarting reported there will be primaries in both parties on June 28<sup>th</sup>. He presented information on the impact and associated costs of the 109 bills the State enacted during Covid on the election process, noting these costs will be passed on to the Towns.

RESOLUTION #49-22

NYMIR INSURANCE POLICY RENEWAL

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

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

Resolved the 2022-2023 NYMIR insurance policy be renewed with Sprague Insurance at a cost not-to-exceed \$49,144.90.

RESOLUTION #50-22

AUTHORIZE PURCHASE OF WHEELED EXCAVATOR FROM HIGHWAY MACHINE RESERVE FUND

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

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

Whereas, Highway Superintendent Hurd monitors funds available within the Highway Machine Reserve for the acquisition of equipment; and

Whereas, Highway Superintendent Hurd desires to order one (1) new Cat M318 wheeled excavator on the NYS OGS/NJPA Contract #PC69406; now, therefore, be it

Resolved the Town Board of the Town of Jerusalem does hereby resolve, pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York, that the Town Supervisor of the Town of Jerusalem be and he hereby is authorized and directed to transfer from the Town of Jerusalem Highway Capital Reserve Fund, duly established on October 13, 2004, to the Highway DB Fund and applied to the Highway Department contractual expense item, Item No. DB 5130.2, an amount not-to-exceed \$312,000 and amend the Highway DB budget to reflect the actual purchase.

This resolution shall be subject to a permissive referendum, as required by law.

RESOLUTION #51-22

AUTHORIZE COUNTY MUTUAL AID INTER-MUNICIPAL AGREEMENT

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

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

Resolved the Supervisor be authorized to execute the 2022 Inter-Municipal Mutual Aid Agreement with Yates County.

RESOLUTION #52-22

AUTHORIZE KPSW TRAINING: NY RURAL WATER ASSOCIATION ANNUAL WORKSHOP

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

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

WHEREAS, New York Rural Water Association is hosting their 43rd Annual Technical Training Workshop & Exhibition, Monday, May 23<sup>rd</sup> to Wednesday May 25<sup>th</sup>, 2022 at the Turning Stone Resort & Conference Center in Verona, NY; and

WHEREAS, Operator contact hours are a requirement of the New York State Department of Health for recertification. Accreditation of Operator contact hours will be given for attendance; and

WHEREAS; Instruction and Training is included in the 2022 Sewer/Water budgets; now,

Therefore, be it resolved to authorize attendance of (1) person for the Sewer & Water Department to attend the New York Rural Water

Association's 43<sup>rd</sup> Annual Technical Conference & Exhibition 2022 with costs being split between the 8120 (30%) and 8340 (70%) funds. Full registration cost is \$300.00 plus two nights @ \$159.00 per night lodging (\$318.00) plus two days of meals @ \$55.00 per day (\$110.00) total cost of \$728.00.

RESOLUTION #53-22

AUTHORIZE CEO TRAINING STORMWATER MANAGEMENT AND SEQR

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

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

Whereas the Code Enforcement Officer received the 2022 Stormwater Management Training Series schedule on March 1<sup>st</sup> for training commencing March 9<sup>th</sup>; now, therefore, be it

Resolved that the Town Board affirm the approval of the Supervisor authorizing three (3) virtual training sessions for the Code Enforcement Officer to be funded by account 8010.4 as follows:

Post Construction Stormwater Management Practices	March 9	\$175
SEQRA and the Development Process	April 6	\$175
Stormwater Filtration and Infiltration Practices	April 27	\$175

RESOLUTION #54-22

OPPOSE COUNTY LEGISLATURE WEIGHTED VOTING AND SUPPORT REARRANGING DISTRICT BOUNDARIES

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

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

Whereas, the Yates County Legislature's Ad Hoc Reapportionment/Redistricting Committee has examined changes in the population of Yates County from 2010 to 2020, and

Whereas, this Ad Hoc Committee issued a report in February 2022 recommending that the County Legislature adopt weighted voting in order to address disparities in County legislative representation resulting from the changes within the population of Yates County from 2010 to 2020, and

Whereas, the Jerusalem Town Council discussed the proposal for weighted voting at its February 16, 2022 Town Council meeting, and

Whereas, a majority of the Town Council expressed its opposition to the proposal for weighted voting at this February 16, 2022 meeting; now, therefore, be it

Resolved, that the Jerusalem Town Council hereby confirms its opposition to the proposal of the Ad Hoc Committee for weighted voting, and, be it further

Resolved, that the Jerusalem Town Council supports the alternative of rearranging district boundaries, as mentioned on page 3 of the Ad Hoc Committee's report, in order to achieve parity in legislative districts, and be it further

Resolved, that, upon adoption, a copy of this resolution be given to each County Legislator.

RESOLUTION #55-22

FINGER LAKES WATER WORKS CONFERENCE ANNUAL BUSINESS MEETING

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

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

Whereas; Finger Lakes Water Works Conference is hosting the 2022 Spring Meeting at King's Catering, 4031 Rtes. 5 & 20, Canandaigua, NY; and

Whereas; the cost for a pre-paid, pre-registered 2022 Conference Member is \$33.00/person and a pre-paid, pre-registered non-member is \$40.00/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, training expenses and membership dues were approved in the 2022 budget; now,

Therefore, be it resolved to authorize attendance for up to (2) person(s) from the Water/Sewer Department at a cost of \$33.00/person and Supervisor Sisson to attend at a cost of \$40.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2022 TAX CAP OVERRIDE

With all persons desiring to be heard, Supervisor Sisson closed the hearing at 7:34 P.M.

The regular meeting was reconvened.

RESOLUTION #56-22

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF  
JERUSALEM OF LOCAL LAW NO. 2 OF 2022

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

ADOPTED BY ROLL CALL VOTE:

Councilor Lent	Aye
Councilor Castner	Aye
Supervisor Sisson	Aye
Councilor Jones	Aye
Councilor Purdy	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 March 16, 2022, at 7:00 p.m. at Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on March 2, 2022, 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 March 16, 2022, at 7:02 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. 2 of 2022, entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c", 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. 2 of the Year 2022

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

Be it enacted by the Town Board  
Town of Jerusalem as follows:

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Jerusalem, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Jerusalem to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority

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

Section 3: Tax Levy Limit Override

The Town Board of the Town of Jerusalem, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

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

Section 5: Effective Date

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

PUBLIC COMMENT

- Supervisor Sisson asked if the County was filing the DR4480 Covid Hazard Mitigation grant program funding application.



- Legislator Paddock presented the County report:
  - Dog redemption fee increased from \$3 to \$10.
  - Vietnam Veteran Recognition Day is March 29<sup>th</sup>.
  - 2022 Inter-Municipal Mutual Aid Agreement was approved.
  - Land purchase for the Highway Garage/Office of Emergency Management Service and Public Health vaccination clinic building was approved.
  - Reappointed Planning Board members and training.
  - Review of the Reapportionment/Redistricting Ad Hoc Committee recommendations to achieve parity in legislative districts.

With there being no further business, the meeting was adjourned at 7:40 P.M.

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Sheila McMichael, Town Clerk