

Minutes of the special meeting of the Jerusalem Town Board held on November 20, 2019 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Jones, Sisson, Stewart, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Tony Hurd, Ignatius Scott, Kevin Ring, Steve Castner, Ritchie Lent, Tim Cutler, Jon Christensen, *Chronicle Express* Reporter.

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

RESOLUTION #211-19

CHANGES TO THE AGENDA

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Intermunicipal Agreement for signage in Keuka Park and an update on 2488 West Lake Road property maintenance be added to the agenda.

RESOLUTION #212-19

APPROVAL OF MINUTES

On a motion of Councilor Sisson, seconded by Councilor Anderson, the following was

ADOPTED Ayes 4 Anderson, Killen, Sisson, Stewart
 Nays 0
 Abstain 1 Jones

Resolved that the minutes of the October 16, 2019 meeting be approved as read.

RESOLUTION #213-19

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

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

General:	\$13,849.98
Outside Village	\$ 6,426.19
Highway DB:	\$ 39,232.04
Water Capital:	\$145,453.96
Sewer:	\$ 60,387.90
Water:	\$ 6,892.14
Branchport Light	\$ 265.81

October Utilities:

General:	\$	341.21
Outside Village:	\$	17.70
Highway DB:	\$	734.25
Sewer:	\$	159.79
Water:	\$	348.06
Trust:		\$26,878.34

RESOLUTION #214-19

SUPERVISOR REPORT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of October 2019 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW F-2019 TO ADD NEW PARKING REGULATIONS

With proof of notice duly posted and published, the public hearing on proposed Local Law F-2019 Parking Regulation Amendment was opened at 7:03 P.M.

No one wished to comment.

Sharon Benjamin submitted written comment with the limited parking available in Keuka Park and difficulty accessing the Post Office.

The hearing was left open.

2488 WEST LAKE ROAD, PENN YAN PROPERTY MAINTENANCE

Kevin Ring was pleased to inform the Board that clean-up at 2488 West Lake Road, Penn Yan has gone very well. On behalf of the West Lake Road residents, Mr. Ring thanked Code Enforcement Officer DeVoe and the Town Board.

Councilor Sisson meets with CEO DeVoe weekly and will follow up on a similar situation in Branchport.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Winter has arrived. Our new employee is working out well. Salt and sand are stocked.
- Compliance with new Federal drug testing regulations is being

addressed.

- Superintendent Martin addressed a resident's concern with the posted vehicle weight signs on Culver Hill Road.

TOWN ENGINEER

- Notes of the November 7, 2019 KPSW meeting on file in the Office of the Town Clerk.
- The water rehab capital project is near completion. General clean up is underway to be finalized in the spring. Pictures of the auto flusher connections will be given to Highway Superintendent Martin.
- Bids on the water tank painting project are due December 4th.
- Mixers have been installed in all three water tanks that has improved our water quality.
- The Department of Health will meet with Water Operator /Wastewater Maintainer Brad Donovan to complete his licensed operator process.

ASSESSOR

- Report on file.
- Assessor Fischer was commended for questioning invoices from Underberg Kessler Attorneys at Law, resulting in over \$2,000 being credited to the Town.

COUNCIL

- A replacement for Kerry Hanley on the Planning Board will be on the Organizational Meeting agenda.
- The two candidates for the Zoning Board vacancy will be interviewed.
- Councilor Sisson met with the Bitley Cemetery Trustees. He was appointed President and Ginny Sisson is Secretary/ Treasurer. Trustees are Dan Lynn, Marie Bercume and Deb Arington.

SUPERVISOR

- Supervisor Killen will reply to an inquiry requesting a 9100 square foot retail store on 54A that is not allowed by our zoning.
- The \$782,000 bond sale was awarded to Roosevelt & Cross, Inc. at 2.638%. The rate from Greene County Commercial Bank was 2.95%.
- Additional correspondence needed for the SAM grant was received and will be submitted to DASNY.
- An Open House is planned on December 7 at the Moose Lodge to honor Highway Superintendent Martin who is retiring after 44 years of service with the Town.

COMPREHENSIVE PLAN REVIEW SUBCOMMITTEE

A meeting of the Comprehensive Plan Review Subcommittee will be scheduled. We anticipate sending out a community survey in the spring.

RESOLUTION #215-19

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR A PROPOSED LOCAL LAW AMENDING THE TOWN OF JERUSALEM ZONING ORDINANCE

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals"; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on December 18, 2019, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration.

RESOLUTION #216-19

ESRI- GIS MAPPING CONTRACT RENEWAL

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Supervisor be authorized to sign the ESRI-GIS mapping contract renewal for KPSW, Assessor and Building Departments.

RESOLUTION #217-19

AUTHORIZE NEWLY ELECTED OFFICIAL TRAINING

Councilor Jones made a motion, seconded by Councilor Anderson,

Resolved newly-elected Supervisor Jamie Sisson and Town Councilor Steve Castner be authorized to attend the Newly Elected Officials Training School conducted by the Association of Towns on January 17-19, 2018 in Rochester, NY at a cost of \$608 plus mileage reimbursement with the expense being funded by 1010.4.

RESOLUTION #218-19

AMEND RESOLUTION #217-19 AUTHORIZE NEWLY ELECTED OFFICIAL TRAINING

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Resolution #218-19 be amended to authorize an additional attendee to the Newly Elected Officials Training School for the appointee who fills the Town Board seat vacated by Councilor Sisson.

RESOLUTION #219-19

2020 KEUKA PARK SEWER/WATER FEES, RATES AND EDU SCHEDULE

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer Districts establishes the fees for sewer and water customers of the districts; and

WHEREAS, Section 198(3)(d) of the Town Law of the State of New York authorizes the Town Board to establish the rates for use of water by customers of the district; and

WHEREAS, Section 152-8 of the Code of the Town of Jerusalem provides that the rate schedule be kept on file in the office of the Town Clerk; and

WHEREAS, Section 131-25 of the Code of the Town of Jerusalem authorizes the Town Board to establish the fees for use of sewer by customers of the district; and

WHEREAS, Equivalent Dwelling Units (EDU's) are assessed on each individual property, regardless of common owner; now, therefore, be it

RESOLVED that the proposed Fee Schedule, Rate Schedule and Equivalent Dwelling Unit (EDU) Schedule Guideline of the Keuka Park Sewer and Water Districts attached to this resolution be and it hereby is approved to go into effect on January 1, 2020 and continue in effect thereafter until further resolution of this Board.

RESOLUTION #220-19

FINGER LAKES WATER WORKS CONFERENCE WINTER MEETING

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Whereas; Finger Lakes Water Works Conference is hosting the Winter Meeting at Quality Inn Waterloo, 2468 Rte. 414, Waterloo, NY on December 5, 2019;

Whereas; the cost for a pre-paid, pre-registered 2019 Conference Member is \$25.00/person;

Therefore, be it resolved to authorize attendance for up to (2) person(s) from the Sewer and Water Department to attend the Finger Lakes Water Works Conference Spring Workshop at a cost of \$25.00/person. This expense to be funded 70% from the 8340.4 and 30% by 8120.4.

RESOLUTION #221-19

2019 WATER BUDGET AMENDMENT

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Whereas the Keuka Park Water Department has experienced numerous waterline breaks throughout the consolidated district; and

Whereas the associated costs to repair these breaks were unforeseen causing the Treatment and Disposal appropriation code 8340.4 to over-expend the original budget; now, therefore, be it

Resolved the 2019 Water Fund budget be amended to allocate \$40,000.00 of the Unappropriated Fund Balance to the 8340.4 appropriation code.

RESOLUTION #222-19

AUTHORIZING SCHEDULING OF PUBLIC HEARING - SEWER AMENDMENT

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled, "A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management"; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

WHEREAS, this action by the Town Board is a "Type 2" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, "(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list" and subsection (20) on this list includes "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment". This action involves continuing agency administration and management in that it will amend existing laws dealing with the Town's administration and management of sewers and wastewater management issues within the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on December 18, 2019, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto

as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration; and be it further

RESOLVED, that the Town Clerk be, and hereby is, authorized to provide all other notices as required by law for the adoption of this local law.

RESOLUTION #223-19

AMEND RESOLUTION #4-19 BUDGET OFFICER SALARY

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved Resolution #4-19 Budget Officer Salary be amended to read \$2,600.

RESOLUTION #224-19

AUTHORIZE BAS FOR 2020 TAX COLLECTIONS

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Town Clerk be authorized to execute the Business Automation Systems Agreement for 2020 Tax Collections.

RESOLUTION #225-19

Approve YCSO Animal Control Agreement

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Resolved the Supervisor be authorized to execute the 2020 Animal Control Agreement with the Yates County Sheriff's Office.

RESOLUTION #226-19

IT EXPENDITURES

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

ADOPTED Ayes 5 Anderson, Jones, Killen, Sisson, Stewart
 Nays 0

Whereas the current 24 port gigabit switch is getting old and a few ports are not working, and

Whereas the router at the Town Office needs replacement, and

Whereas the Deputy Clerk desktop computer is due for replacement soon,

Whereas there are sufficient funds in the 2019 IT budget for these items,

Therefore be it resolved to approve up to \$300 for a router, up to \$150 for the 24 port gigabit switch, up to \$600 for a desktop computer, and up to \$35 for a wireless mouse & keyboard combination, and an additional two hours labor at next computer maintenance for setup & installation

RESOLUTION #227-19

AUTHORIZE SUPERVISOR TO EXECUTE INTERMUNICIPAL AGREEMENT FOR KEUKA PARK PARKING SIGNAGE

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

Resolved the Supervisor be authorized to execute the Intermunicipal Agreement with Yates County for the parking signage in Keuka Park with an amendment to item 2. that subsequent to installation, the Town shall, at its own expense, maintain the parking signs and any necessary replacements thereof.

RESOLUTION #228-19

CLOSE - PUBLIC HEARING - PROPOSED LOCAL LAW F-2019 TO ADD NEW PARKING REGULATIONS

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

ADOPTED	Ayes	5	Anderson, Jones, Killen, Sisson, Stewart
	Nays	0	

With all persons being heard, the public hearing on proposed Local Law F-2019 Parking Regulation Amendment was closed at 7:57 P.M.

RESOLUTION #229-19

ADOPT LOCAL LAW NO. 5 OF 2019 ENTITLED "A LOCAL LAW TO FURTHER AMEND CHAPTER 145 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWN OF JERUSALEM TO ADD NEW PARKING REGULATIONS"

On a motion of Supervisor Killen, seconded by Councilor Stewart,

the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Sisson	Aye
Councilor Jones	Aye
Councilor Anderson	Aye
Councilor Stewart	Aye
Supervisor Killen	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 November 20, 2019, at 7:00 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "A Local Law to Further Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on November 6, 2019 and other notices required to give by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on November 20, 2019, at 7:00 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. 5 of 2019, entitled "A Local Law to Further Amend Chapter 145 (Vehicles and Traffic) of the Code of the Town of Jerusalem to Add New Parking Regulations", 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.

PUBLIC COMMENT

Yates County Legislator Tim Cutler stated the public hearing on the 2020 County Budget is November 21 at 6:00 P.M.

With there being no further business, on a motion of Supervisor

Jerusalem Town Board
November 20, 2019

Killen, seconded by Councilor Stewart, the meeting was adjourned at
8:02 P.M.

Sheila McMichael, Town Clerk

2020 KEUKA PARK SEWER & WATER DEPARTMENT FEE SCHEDULE
(Preliminary)

WATER:	FEE:
Application Fee	\$350.00
**Impact Fee	\$203.92 Multiplied by number of EDU's
Turn On/Off	First on/off per year-NC; subsequent on/off \$25.00
Meter (new and/or replacement)	\$212.00 for 5/8"; Meters larger than 5/8" billed at cost
*Hourly Rate	\$ 36.00 per hour
*After Hour Call in Rate	\$108.00 per hour
*Parts	Cost

SEWER:	FEE:
Application Fee	\$350.00
** Impact Fee Districts;	
Original, Ext. 1 & 3	\$ 0.00
** Impact Fee District 2:	\$545.48
Turn On/Off	First on/off per year-NC; subsequent on/off \$25.00
*Hourly Rate	\$ 36.00 per hour
*After Hour Call in Rate	\$108.00 per hour
*Parts	Cost

Return Check	\$ 20.00 per returned check
Relevy Fee	\$ 50.00 per account (minimum relevy amount \$50.00)

*Fees would only apply to repairs made due to customer negligence or request. Hourly rate will only apply if outside the normal working hours and will be in addition to the after hour call in fee.

**Impact fee will apply to vacant property or property that is split from a parcel of land that is permitted to connect to water and/or sewer and currently does not pay capital charge. It will not apply to those properties that have paid the lump sum payment for either water or sewer capital. Fee will be equal to the current capital charge for that district multiplied by the number of EDU's. They will also be charge an application fee in addition to the impact fee. Capital charges for water commence when building permit is issued or when water meter has been installed and inspected. Sewer charges commence when sewer connection is approved by KPSW personnel.

***Water and Sewer permits are valid for 90 days. Permits may be renewed one time for a total of 180 days for no additional charge. After 180 days, the original permit will become void, and the applicant will need to re-apply for water and/or sewer connection permit and pay an additional application fee of \$350.00.

<p>TOWN OF JERUSALEM KEUKA PARK SEWER & WATER DEPT 2020 Rate Schedule (Preliminary)</p>
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WATER RATES:	
<u>Keuka Park Water District:</u>	
Usage -	\$ 61.50/Quarter = 10,000 gallons (minimum)
	6.15/1,000 gallons over minimum usage
Capital -	\$ 203.92 /EDU billed annually on the January Town/County tax bill
<u>Out of District Rate - 25% Surcharge on Usage and Capital rates</u>	

SEWER RATES: Charges below are on a per unit basis in accordance with Section 131-26 of the sewer use law.	
<i>Sewer charges are collected in advance.</i>	
<u>Keuka Park Sewer Original District & #1:</u>	
Operation/Maintenance & Capital -	\$ 162.00 /quarter
<u>Keuka Park Sewer District #2:</u>	
Operation/Maintenance -	\$162.00/quarter
Grinder Pump -	29.00/quarter
Capital -	139.00/quarter
<u>Keuka Park Sewer District #3:</u>	
Operation/Maintenance -	\$162.00/quarter
<u>Out of District Rate - 25% Surcharge on Usage and Capital rates</u>	
<i>Sewer charges will commence first billing cycle after issuance of building and/or connection permit.</i>	

2020 EDU SCHEDULE GUIDLINE

EDU'S ARE ASSESSED ON EACH INDIVIDUAL PROPERTY, REGARDLESS OF COMMON OWNER. AN INDIVIDUAL PROPERTY WILL INITIALLY BE ASSESSED BASED ON THE FOLLOWING, BUT THE TOWN BOARD RESERVES THE RIGHT TO ADJUST THIS DETERMINATION BASED ON A GREATER OR LESSER BENEFIT RECEIVED.

RESIDENTIAL: 1 EDU PER DWELLING UNIT - (SEPARATE LIVING UNIT WITH BATH OR SHOWER, TOILET, AND KITCHEN)

PROPERTY OR BUILDING WITH MORE THAN ONE DWELLING UNIT: I.E. TWO APARTMENTS IN ONE BUILDING = 2 EDU'S

MUNICIPAL BUILDINGS/FIRE HALL: 2 EDU

SCHOOL: 2 EDU'S PER CLASSROOM

CHURCH OR PARSONAGE: 1 EDU

COMMERCIAL PROPERTIES:

RESTAURANT:

3 EDU'S FOR LESS THAN 50 PERSON SEATING CAPACITY

4 EDU'S FOR OVER 50 PERSON SEATING CAPACITY

STORE W/SNACK – BAR: 3 EDU'S WITH INSIDE SEATING FOR LESS THAN 50 PERSONS

RETAIL STORE: 1 EDU

GAS STATION/AUTOMOTIVE SERVICE FACILITY: 2 EDU

PROFESSIONAL OFFICE: 1 EDU

BOAT REPAIR/MARINA:

1-EDU FOR THE FIRST 50 SLIPS

1-EDU FOR EACH ADDITIONAL 50 SLIPS OR PART THEREOF

BED & BREAKFAST/MOTEL/AIR B&B: ¼ EDU (.25) FOR EACH RENTAL ROOM + 1 EDU FOR ANY OWNER-OCCUPIED RESIDENCE

MOBILE HOME PARKS/MOBILE HOMES: 1 EDU FOR EACH MOBILE HOME ON PROPERTY

CAMPGROUND (RV'S TRAVEL, TRAILER, SITE, ETC.): ¼ EDU (.25) EDU FOR EACH APPROVED SITE

WINERY/BREWERY/DISTILLERY:

1 EDU/FOR LESS THAN 50 PERSON OCCUPANCY

2 EDU'S/FOR 50-75 PERSON OCCUPANCY

3 EDU'S/FOR MORE THAN 75 PERSON OCCUPANCY

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

COMMUNITY CENTER:

1 EDU/FOR LESS THAN 25 PERSON OCCUPANCY

2 EDU'S/FOR 25-75 PERSON OCCUPANCY

3 EDU'S/FOR MORE THAN 75 PERSON OCCUPANCY

(OCCUPANCY TO BE DETERMINED BY THE TOWN CODE ENFORCEMENT OFFICER)

MINI STORAGE/BOAT STORAGE: 1 EDU PER PARCEL

OTHER:

KEUKA LAKE STATE PARK: 30 EDU

CAMP GOOD DAYS: 10 EDU

KEUKA COMMONS AT KEUKA PARK: 20 EDU

KEUKA COLLEGE: 250 MINIMUM OR BASED ON HIGH VOLUME USER 3 YEAR AVERAGE EDU RATE

HIGH VOLUME USER:

HIGH VOLUME USER IS DEFINED AS ANY CUSTOMER REGULARLY USING MORE THAN TEN MILLION GALLONS OF WATER PER YEAR.

HIGH VOLUME USER SHALL BE CHARGED THE GREATER OF (A) 250 UNITS, OR (B) ONE UNIT FOR EACH 40,000 GALLONS OF WATER USED PER YEAR (OR FRACTION THEREOF) ON AVERAGE OVER THE THREE-YEAR PERIOD ENDING WITH THE LAST METER READING PRIOR TO TAXABLE STATUS DATE, PROVIDED THAT THE CHARGE FOR A HIGH VOLUME USER NEWLY JOINING THE DISTRICT SHALL BE DETERMINED BY THE TOWN BOARD BASED ON A REASONABLE PROJECTION OF WATER USE BY SUCH CUSTOMER UNTIL AT LEAST ONE FULL YEAR OF ACTUAL USAGE BY SUCH NEW CUSTOMER SHALL BE RECORDED. AT THE OPTION OF A HIGH-VOLUME USER, ALL OF ITS PROPERTIES MAY BE AGGREGATED IN ONE ACCOUNT FOR THE PURPOSE OF CALCULATING AND COLLECTING THIS CHARGE.

Exhibit 1
Local Law No. E of the year 2019

A Local Law Amending the Town of Jerusalem Zoning Ordinance Pertaining to Dog Kennels, Animal Rescue/Fostering Facilities, Veterinary Clinics / Veterinary Offices and Animal Hospitals

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Purpose. The purpose of this local law is to establish new and more protective standards for the issuance of a special use permit for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital in the Agricultural/Residential Zone and to provide for inspections of such facilities.

Section 2. Paragraph C. of Section 160-20 (Special uses) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Paragraph C is inserted in its place to read as follows:

C. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals. See § 160-24

Section 3. Section 160-24 (Animal hospitals) of Article V (Agricultural – Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby repealed and a new Section 160-24 is inserted in its place to read as follows:

§ 160-24. Dog kennels (whether private or commercial), animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals.

A. As used in this chapter, the following term shall have the meaning indicated:

REGULATORY AGENCIES - USDA (United States Department of Agriculture), NYS A&M New York State Department of Agriculture and Markets and/or NY PPBA New York Professional Pet Breeder Association

B. The Zoning Board of Appeals may not grant special use permit approval for a dog kennel (whether private or commercial), animal rescue/fostering facility, veterinary clinic / veterinary office or animal hospital unless the Planning Board has first issued final approval for a site plan in accordance with this Chapter for such proposed special use.

C. The following standards apply to all dog kennels (whether private or commercial), animal rescue / fostering organization facilities, veterinary clinics / veterinary offices and animal hospitals.

- (1) The minimum lot area for all dog kennels, animal rescue / fostering organization facilities, veterinary clinics / veterinary offices or animal hospitals shall be a minimum of 5 acres and shall conform to all requirements of the zoning district for principal uses.
- (2) No new structure to house dogs within a kennel, rescue / fostering organization facilities, veterinary clinic / veterinary office or animal hospital shall be closer than 100 feet to any front, side or rear property line. No outdoor area enclosed by fences for the use of dogs shall be permitted within a front yard. All outside runs enclosed by fences for the use of dogs shall be set back not less than 200 feet from any side or rear property line.
- (3) Housing and exercise areas shall be maintained daily as a clean and waste free environment.
- (4) No excrement, manure or other odor or dust producing substance shall be stored or disposed of within 100 feet of any lot line.
- (5) A Waste Management Plan shall be submitted at the time of application, showing appropriate measures for the storage, disposal, treatment of all waste, manure and contaminated materials that meets the approval of all applicable Regulatory Agencies.
- (6) The applicant shall submit and maintain Proof of Compliance with licensing requirements of all applicable Regulatory Agencies.
- (7) The applicant shall comply with the requirements of all applicable Regulatory Agencies for disposal of deceased dogs..
- (8) The applicant shall submit a site plan including adequate plantings and buffering that will be provided and maintained to minimize the impact of inherent nuisance such as noise and odor.
- (9) The applicant shall submit a plan for humane retention or adoption of breeding female dogs once they are past prime breeding age, and have a record kept of the placement. Dogs shall also be neutered or spayed at retirement.
- (10) A maximum of eight breeding (adult) female dogs will be allowed.
- (11) Each applicant for a kennel or dog facility described above shall provide the name of a fully certified veterinarian who has agreed to attend animals that are to be housed at said kennel or dog facility and submit a letter from that veterinarian containing the following:
 - (a) Confidence in the applicant's ability to properly care for the number of breeding dogs requested in the facility as designed.
 - (b) Instructions for the breeder in proper technique and equipment for any procedure that the breeder is allowed to perform by law.

(12) Flooring for the dog kennel or facility shall be either solid or plastic coated wire flooring with a minimum of 50% solid flooring which may be required upon the recommendation of any of the Regulatory Agencies. Plastic wire covered flooring is permitted as long as the gauge of openings is small enough to prevent injuries for the size of dog being housed.

D. INSPECTIONS.

(1) Prior to commencement of use, the structure shall be inspected by the Code Enforcement Officer for compliance with all laws, ordinances, rules and regulations applicable. Inspection reports from USDA inspector shall be copied and supplied to the Zoning Office.

(2) The owner/operator shall allow inspections by the Code Enforcement Officer of the Town of Jerusalem of the operation at unannounced times to insure compliance with all conditions and requirements set forth by the Town of Jerusalem.

(3) A written report by Code Enforcement Officer shall be filed in Town offices of any inspection.

(4) Violations shall be enforced by the Code Enforcement Officer and/or any of the applicable Regulatory Agencies in accordance with Article XVI of this Chapter.

E. PRE-EXISTING DOG KENNEL AND BREEDING FACILITIES.

(1) Pre-existing facilities shall be reviewed under Special Use Permit process and shall be allowed to function at previously approved capacity.

Section 4. Severability

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

Section 5. Effective Date

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

Exhibit 2
TOWN OF JERUSALEM
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on December 18, 2019, at 7:00 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2019, which would amend The Town of Jerusalem Zoning Ordinance, to make the following changes:

1. Amending the specially permitted use in the Agricultural – Residential (AGR) Use District, currently recited as “Animal hospitals and kennels”, to say “Dog kennels, animal rescue/fostering facilities, veterinary clinics / veterinary offices and animal hospitals”;
and
2. Amending the existing special use permit conditions for animal hospitals and kennels to require site plan review by the Town Planning Board, require new and additional standards, to provide for inspections and to address pre-existing dog kennels and breeding facilities.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for public review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.

This by Resolution of the Town Board of the Town of Jerusalem.

Sheila McMichael, Town Clerk

Exhibit 1
Local Law No. G of the year 2019

A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management

Be it enacted by the Town Board

Town of Jerusalem as follows:

Section 1. Article IV (Use Regulations) of Chapter 131 (Sewers) of the Code of the Town of Jerusalem is hereby amended with the insertion of a new Section 131-20.1 to read as follows:

§ 131-20.1 Periodic pump outs.

Those connected to the public sewer system may make periodic pump outs which promote environmental sustainability, recycling, and facilitate the efficient functioning of the public sewerage system. The Owner shall maintain a Log, of any such pump outs giving the date, waste hauler, volume and destination or disposal site.

Section 2. Paragraph A. of Section 150-4 (Disposal of wastewater) of Chapter 150 (Sewers) of the Code of the Town of Jerusalem is hereby repealed and a new Paragraph A is hereby inserted in its place to read as follows:

A. Wastewater from any new construction shall be directly connected to the public wastewater disposal systems if available and accessible within 200 feet of the property line.

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 effect, 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 upon both the filing with the Secretary of State.

EXHIBIT 2

TOWN OF JERUSALEM

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town of Jerusalem on the 18th day of December, 2019, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2019, entitled "A Local Law to Amend Regulations of the Code of the Town of Jerusalem Pertaining to Sewers and Wastewater Management", which would add a section to Chapter 131 (Sewers) to permit those connected to the public sewer system to make periodic pump outs and which would amend a section of Chapter 150 (Wastewater Management) involving the disposal of wastewater.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Town of Jerusalem, New York.

This by Resolution of the Town Board of the Town of Jerusalem.
Sheila McMichael, Town Clerk