

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 15, 2010 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Parson, Simmons, Stewart, Town Clerk McMichael, and Town Engineer Ackart.

Excused: Highway Superintendent Payne.

GUESTS: Joe Hoff, Peter Gamba, Taylor Fitch, Doug Paddock, Ed Seus, Joe DeGeorge, Jim Fitzgibbons, Joseph E. Klehammer, Art Carcone.

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

Supervisor Jones called for a moment of silence in remembrance of past Town Supervisor, Howard DeMay and KPSW Clerk, Marion Flohr who recently passed.

RESOLUTION #176-10  
APPROVAL OF MINUTES

On a motion of Councilperson Simmons, seconded by Councilperson Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Parson, Simmons, Stewart
	Nays	0	

Whereas Councilperson Simmons submitted an amendment to page 3. COUNCIL of the November 17, 2010 meeting minutes as follows:

Councilpersons Simmons and Folts attended the Yates County Government Operations Committee meeting to discuss the county Worker's Compensation program started in 1956. The current method for all allocation of funding is based on a townships assessed value. Jerusalem with 21 miles of Lake Frontage has a gross assessed value of 650 million dollars far more than any other township. Yates County is looking into alternative approaches for billing townships and our committee will be eager to hear those ideas. We are exploring some other companies that provide worker's compensation. We need to resolve this by July 1, 2011.

Yates County Legislator Paddock stated the correct allocation of funding is based 75% on the Town's assessed value and 25% on experience; now, therefore, be it

Resolved that the minutes of the November 17, 2010 meeting be approved as amended.

RESOLUTION #177-10  
AUDIT OF CLAIMS

On a motion of Councilperson Stewart, seconded by Councilperson Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

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

General:	\$21,953.86	
Highway DA:	\$ 812.52	
Highway DB:	\$47,371.81	
Sewer:	\$ 2,344.92	
Water:	\$ 2,119.58	
Branchport Light:	\$ 341.98	
Outside Village:	\$ 750.00	
Trust:	\$ 296.00	
November utilities: General:		\$ 835.00
	Sewer:	\$30,491.75
	Water:	\$ 71.07
	Gravel Pit Debt Service:	\$44,987.50
	Trust:	\$45,510.37

RESOLUTION #178-10

SUPERVISOR REPORT

On a motion of Councilperson Stewart, seconded by Councilperson Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of November 2010 be accepted as presented.

RESOLUTION #179-10

PUBLIC HEARING - PROPOSED LOCAL LAW DOG LICENSING

On a motion of Supervisor Jones, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:06 P.M., asking for comments on the proposed local law adopting regulations regarding the licensing of dogs.

The Town of Jerusalem will assume the dog licensing function on January 1, 2011 as part of the 2010-2011 State Budget language that eliminated the Department of Agriculture and Markets dog licensing responsibilities. This includes tracking and issuing license renewals and purchasing dog tags. The intermunicipal agreement with Yates County for the animal (dog) control services provided to

the towns has also been revised to reflect the revision to this law.

It was reported during the 2011 budget public hearing that we would not change our current licensing fees until after the financial impact of assuming this duty could be determined. However, the Towns of Benton, Milo, Torrey and Middlesex increased their fees to \$10 for altered and \$18.00 for unaltered dogs for 2011. Therefore, it is also recommended that Jerusalem increase their fees accordingly. We will continue to issue purebred licenses.

The public hearing was left open.

TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written report on file in the Office of the Town Clerk.

RESOLUTION #180-10  
AUTHORIZE PURCHASE OF TRUCK AND PLOWS

On a motion of Councilperson Folts, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

Whereas, the Town Highway Superintendent has received three state bid quotes for a new Class 8, 10 Wheel Truck with Snow Plow Equipment and Dump Body and after review of quotes and Equipment has found the Mack Truck with Tenco Plow Equipment and Beau Roc Dump Body to be the best match and price for the Highway Departments needs.

Now, Therefore, Be it resolved that the Town Highway Superintendent is hereby authorized to purchase the following:

One new, 2011 Mack, Model GU713, 10 Wheel Cab And Chassis from Beam Mack Sales and Service, Inc. with Dump Body and Plow Equipment furnished by Tenco U.S.A. Inc. at the amount not to exceed \$169,017.87.

The proceeds for this purchase shall be taken from Highway 2011 Appropriations, Machinery Account #DA5130.2

RESOLUTION #181-10  
EXTEND UNPAID LEAVE OF ABSENCE - SANTIAGO AVELLANEDA

On a motion of Councilperson Folts, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart

Nays 0

Whereas Resolution #164-10 granted Santiago Avellaneda, a HEO in the Highway Department an unpaid leave of absence from November 4, 2010 through December 31, 2010; and

Whereas Mr. Avellaneda has not been released to return to work; now, therefore, be it

Resolved that his unpaid leave of absence be extended through January 27, 2011; and, be it further

Resolved, that a copy of this resolution be given to Mr. Avellaneda, Highway Superintendent, Town Clerk and Yates County Personnel Officer.

RESOLUTION #182-10  
AUTHORIZE MEO SALARY INCREASE

On a motion of Councilperson Simmons, seconded by Councilperson Parson, the following was

ADOPTED Ayes 4 Folts, Parson, Simmons, Stewart  
Nays 1 Jones

Be it resolved that the Jerusalem Town Board authorize a pay increase for an experienced part-time MEO from the current rate of \$10.30 to \$11.00 per hour.

Supervisor Jones opposed as the rate of pay was offered to an employee before being authorized by the Town Board.

TOWN ENGINEER

- Notes of December 7, 2010 KPSW Committee meeting on file.
- Town Engineer Ackart reported the December 14<sup>th</sup> meeting with the Village of Penn Yan Assistant Director to Public Works Brent Bodine and Deputy Assistant Director Bill Jensen to discuss KPSW operations was very productive and worthwhile.
- Councilperson Stewart questioned the status of the KPSW trailer as Highway Superintendent Payne asked that it be moved from the Highway Barn. Councilperson Folts responded the lock he placed on the trailer has been removed to allow KPSW Department Head Gary Dinehart to put in the shelving. He added after six months, Mr. Dinehart got over his little fit and agreed to get the trailer done.
- The KPSW Committee reviewed a letter from David Bagley, 3079 Brown Hill Road, regarding a water service disconnect and denied his request to allow him to keep a live water service to a vacant lot, but not be charged for it. Mr. Bagley will be

instructed to disconnect the service at the corp which is consistent with what others have done.

#### COUNCIL

Councilperson Stewart took this opportunity to express his gratitude to Howard DeMay and Marion Flohr for the service they provided to the Town. Mr. DeMay was involved in the Town as Supervisor and also with the Fire Department. When Mrs. Flohr was the KPSW Clerk, she, along with her husband, got the Keuka Park Sewer & Water Department operating.

#### SUBCOMMITTEE

##### 54A ZONING SUBCOMMITTEE:

- No meeting will be held in December.
- The Subcommittee is working to reduce the speed limit in the Kinneys Corners area to 45 MPH.
- The Chronicle Express published an article last week following an interview with Subcommittee Chair Mary Coriale.

##### RENEWABLE ENERGY SUBCOMMITTEE:

Subcommittee Chair Deb Koop will make a presentation to the Town Board at the January meeting.

##### LAND USE LEADERSHIP ALLIANCE FOLLOW-ON COMMITTEE:

Deb Koop is the Jerusalem representative to the Land Use Leadership Alliance (LULA) Follow-On Committee. The Town Boards will be updated on the other Intermunicipal Agreements, Cooperatives and Laws that all contribute to the protection of the watershed (KLOC, KWIC, LULA and Docks and Moorings) on March 28, 2011. They will provide a status update regarding the progress made on common issues and opportunities as collectively identified by the LULA Follow-on Committee.

##### HEALTH CARE INSURANCE:

Councilperson Folts stated health care insurance became the topic of heated discussions during the budget process. Six months ago, Councilpersons Folts, Simmons and Parson took the lead on health care coverage. Sprague Insurance was selected as the Town's health care provider consultant whose representatives made a presentation to the employees on the new health care plan with benefits very comparable to our current plan. An approximate \$53,000 savings is projected based on 2010 member enrollment by changing health care plans to **Healthy Blue Copay \$15/\$25 - Rx \$5/\$25/\$50 (HB-C-44)** and capping Town Board members' coverage to a single plan (appropriation code 9060.8 Hospital and Medical Insurance).

#### COUNCIL

- The Town has been awarded a \$32,000 Community Planning Grant

through the 2010 New York State Community Development Block Grant program related to the development of Jerusalem's master hamlet plan to revitalize and beautify the Hamlet of Branchport.

- Jim Bird has submitted his resignation as a full-time member of the Zoning Board and stated his desire to be an alternate. This will be placed on the Organization Meeting agenda.
- The Planning Board approved a special permit for Brian Lloyd to operate a car dealership at his home located on 3264 Guyanoga Road.
- The Planning Board appointed Bob Evans, Chair and Mary Coriale, Vice Chair. Planning Board member Bill Pringle is recovering from his recent surgery.
- The Town inquired about the increase in our elections expense from \$30,000 to \$78,000. Information received from Amy Daines, Yates County Board of Elections explained that their office expenses are divided between the towns based on population and tax rate. The \$78,000 in question reflects the full roll out of the new voting system and the local share of the cost of the new voting machines. Specific costs associated with the new voting system have been additional staffing, training and supplies, with paper ballots being a significant cost that will be ongoing. The Election Commissioners are putting information together for presentation to all Town Boards, now that they have successfully transitioned completely into the new processes and have been certified by the State.

Yates County Legislator Taylor Fitch stated we should start seeing this expense decrease next year. The purchase of a trailer to move and store the voting machines was another added cost to the \$78,000. He will also check into the expense allocation as he believes it is on assessment, which is dictated by the State and not by choice of the County.

- Yates County Legislator Taylor Fitch stated Penn Yan Mayor Bob Church requested assistance from the County to keep the Keuka Maid from docking at Sarrasin's on November 1<sup>st</sup>. Yates County Administrator Sarah Purdy will be requesting the Town of Milo, the Village of Penn Yan and the Town of Jerusalem reimburse the County for the \$5,532.65 legal cost incurred by the County.

#### SUPERVISOR

Supervisor Jones announced the Organizational Meeting will be held on January 5, 2011 at 12:00. In response to Supervisor Jones' statement that Council has held several noon meetings and he wanted to afford those employees who desire the opportunity to attend, the statement was made that those were committee meetings and they are not public meetings. The Organizational Meeting should be scheduled later for the public to attend.

RESOLUTION #183-10

APPROVE 2010 AUDIT - RAYMOND F. WAGER, CPA, P.C.

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

ADOPTED Ayes 5 Folts, Hopkins, Jones, Simmons, Stewart  
Nays 0

Whereas we have been informed by USDA that the Town of Jerusalem must submit an audit report for fiscal year ending December 31, 2010 because we have an outstanding loan balance with their agency; and

Whereas the Town did not request an Engagement Letter for the 2010 audit; and

Whereas Raymond Wager's firm verbally agreed to complete the 2010 audit at the same rate as the 2009 audit (\$11,600) with the understanding that their bill for services will be paid in the amount of \$11,600 upon receipt; now, therefore, be it

Resolved that the Supervisor be authorized to engage the services of Raymond F. Wager, CPA, P.C. to conduct the year ended December 31, 2010 audit at a cost of \$11,600; and be it further

Resolved that a different examiner do the audit.

RESOLUTION #184-10

AUDIT REQUEST FOR PROPOSAL

On a motion of Councilperson Folts, seconded by Councilperson Simmons, the following was

ADOPTED Ayes 4 Folts, Parson, Simmons, Stewart  
Nays 1 Jones

Whereas Councilperson Simmons suggested the audit be put out for bid back in 2009 as Raymond F. Wager, CPA, P.C. has conducted the audit for ten years; now, therefore, be it

Resolved that the Supervisor send a request for proposal (RFP) out by July 2011 for the audit for the following year.

Supervisor Jones opposed as he does not feel it is up to the Supervisor to draft the request for proposal. He supplied information to Councilperson Simmons in 2009 to develop bid specifications for an RFP and never received anything back.

LETTER OF SUPPORT FOR NEW YORK STATE ARCHIVES GRANT APPLICATION

Supervisor Jones will be submitting a letter of support to Yates

County Administrator Sarah Purdy for their grant application to develop and expand Geographic Information Systems (GIS) technology and information.

COLD WAR VETERANS EXEMPTION

We will continue taking the names of cold war veterans to assist in determining the financial impact of extending the veterans exemption to include the cold war veterans Ten (10) residents have contacted the Town to date.

CELL PHONE REIMBURSEMENT

The Bookkeeper has requested the Town Board establish a written procedure to process the cell phone reimbursement and clothing allowance as established at the Organizational Meeting for the Highway employees. Supervisor Jones will contact our auditors regarding the process and required documentation.

ASSESSMENT SUBCOMMITTEE

The Assessment Subcommittee met on November 16 to continue discussions regarding the anticipated retirement of our elected Assessor. Assessor Comstock has not submitted his official resignation letter to date. The Subcommittee will give a full report in January 2011.

SUBCOMMITTEE REPORTS

YATES COUNTY MARCELLUS SHALE TASK FORCE

No report as they did not meet this month.

MORATORIUM – MARCELLUS SHALE DRILLING

Town Attorney Phil Bailey drafted a local law imposing a one-year moratorium on drilling for natural gas within the Marcellus Shale that will be placed on the January agenda.

RESOLUTION #185-10

ROAD USE AGREEMENT

On a motion of Councilperson Simmons, seconded by Councilperson Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

Resolved that the Town pass the model Road Use and Repair Agreement with the addition of the following definition:

Industrial Operations: Any business usage of the town roads or right-of-ways for the purpose of furthering a manufacturing, drilling or mining purpose subject, to the following exceptions:

- A. Use of town roads or right-of-ways for the municipal, farming or building construction purposes shall not be included within the definition of "industrial use", and shall not be classified as an industrial use.

RESOLUTION #186-10

AUTHORIZE PURCHASE OF TIME CLOCK

On motion (prepared and) offered by Councilperson Parson, seconded by Councilperson Simmons the following was

ADOPTED Ayes 3 Folts, Parson, Simmons  
Nays 2 Jones, Stewart

Be it resolved that the Jerusalem Town Board authorize the purchase of a time clock Model 150ER3 from Longs Cards and Books for the use of all non elected town office employees beginning the first work day of January 2011. Weekend coverage for water/sewer will not be required to use time clock as they receive three hours for coverage. Hourly employees who are called out for emergencies will get overtime pay after forty hours no other overtime will be paid unless authorized.

Discussion: The need for another time clock resolution was questioned as the Board adopted Resolution # 172-10 last month. Councilperson Stewart asked who is using the time clock as we still have not established the rules and regulations. Councilperson Simmons stated we need to take a management roll and get issues ironed out. We have a salaried employee who is making a lot of money and there have been questions regarding his work and he was given extra help. He added he used a poor example when he named Elaine Nesbit in Resolution # 172-10 last month. Supervisor Jones stated we should get things ironed out before adopting a resolution to buy a time clock. Does the Code Enforcement Officer need approval to go to a fire scene? Who does he call? Councilperson Folts stated a resolution was passed five years ago to purchase and time clock and it was taken away.

RESOLUTION #187-10

TEAMSTER'S CONTRACT REVIEW

On motion (prepared and) offered by Councilperson Parson, seconded by Councilperson Simmons the following was

ADOPTED Ayes 3 Folts, Parson, Simmons  
Nays 2 Jones, Stewart

Be it resolved that the Supervisor for the Town of Jerusalem review the Teamsters Union contract to verify that the Town is fulfilling its obligation to the Union exactly as the contract reads.

Supervisor Jones and Deputy Supervisor Stewart questioned the

necessity of this resolution. Councilperson Parson stated KPSW Department Head Dinehart has commented at the KPSW Committee meetings that the Town changed the rules and the draft Union contract regarding their health insurance was changed. Also, Mr. Dinehart's letter to the editor about the Town Board salaries made them look like jerks. Supervisor Jones stated that the draft Union contract health insurance clause was changed. However our labor attorney responded via e-mail messages verifying the Town is following the Union contract and that the new health insurance plan is "substantially equivalent" per the contract term. The grievance procedure outlined in the contract has not been challenged.

RESOLUTION #188-10

CLOSE PUBLIC HEARING – PROPOSED LOCAL LAW DOG LICENSING

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

ADOPTED Ayes 5 Folts, Jones, Parson, Simmons, Stewart  
Nays 0

Resolved that the Public Hearing be closed at 9:10 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #189-10

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM LOCAL LAW NO. 3-2010 (PROPOSED) DOG LICENSING

On a motion of Supervisor Jones, seconded by Councilperson Simmons, the following was

ADOPTED BY ROLL CALL vote:

Councilperson Stewart	Aye
Councilperson Folts	Aye
Councilperson Parson	Aye
Councilperson Simmons	Aye
Supervisor Jones	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, 2010, at 7:00 P.M. at the Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled "A Local Law Adopting Regulations Regarding the Licensing of Dogs", and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on December 8 and 15, 2010, and

WHEREAS, said public hearing was duly held on December 15, 2010, at 7:06 P.M. at the Town Hall at 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 the Town of Jerusalem, after due deliberation, finds it in the best interest of said Town 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. 3 of 2010 entitled "A Local Law Adopting Regulations Regarding the Licensing of Dogs", a copy of which is attached hereto and made a part of this resolution,

**SECTION 1. Purposes:**

A. Part T of Chapter 59 of the Laws of 2010 provides for the elimination, on January 1, 2011, of New York State Department of Agriculture and Markets' dog licensing functions, including the agency's centralized Dog Licensing System. As a result, the existing roles of both county government and the New York State Department of Agriculture and Markets in the licensing of dogs will be eliminated on January 1, 2011. As a further result, effective January 1, 2011 the remainder of the dog licensing functions required by Article 7 of the Agriculture and Markets Law will become the responsibility of the of local government and local government action is necessary to determine local fees and other policies prior to January 1, 2011.

B. The Town Board of the Town of Jerusalem finds that it is necessary for the health, safety and well being of the public for the Town Board to adopt certain regulations pertaining to the licensing of dogs based on the new responsibilities it is required to carry out effective January 1, 2011, which regulations will provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property, domestic animals and deer from dog attack and damage.

C. The Town Board of the Town of Jerusalem finds that it is necessary for the fiscal soundness of the Town of Jerusalem to authorize certain fees and charges for the duties the Town is required to carry out exclusively pertaining to the licensing of dogs effective January 1, 2011.

**SECTION 2. Authority:**

This Local Law is enacted pursuant to the provisions of the Agriculture and Markets Law of the State of New York and of the Municipal Home Rule Law of the State of New York.

**SECTION 3. Provisions:**

Article I of Chapter 56 (Animals) of the Code of the Town of Jerusalem is hereby repealed in its entirety and a new Article I is hereby inserted in its place to read as follows:

Article I

DOG LICENSING LAW

§---1 Title:

This law shall be known and may be cited as the Dog Licensing Law of the Town of Jerusalem

§---2 Licensing of Dogs:

All dogs in the Town of Jerusalem, unless otherwise exempted by New York State Agriculture and Markets Law, must be licensed by the Town Clerk of the Town of Jerusalem within four (4) months of the birth of the dog.

§---3 Application:

A. The owner of each dog required to be licensed shall, for new applications and renewal applications, obtain, complete and return to the Town Clerk:

1. A dog license application;
2. The license application fee;
3. Any applicable license surcharges;
4. Such additional fees as may be established by the Town Board of the Town of Jerusalem;
5. Proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required;
6. In the case of a spayed or neutered dog, a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided that such certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that, because of old age or other stated reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog.

B. In this Article, the term "owner" shall include any person who harbors, keeps or has custody, care or control of a dog. Dogs owned by minors shall be deemed to be in the custody and control of the minor's parent or other head of the household where the minor resides. Any person harboring a dog for a period of one (1) week or more shall be presumed to be the owner of the dog for the purpose of this Article.

§---4 Identification Tag:

Each dog licensed pursuant to this Law shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. No tag carrying an identification number shall be affixed to the collar of any dog other than the dog to which that number has been assigned.

§---5 License Term:

All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.

§---6 Licences Not Transferable:

Any license issued pursuant to this Law shall not be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a new license for such dog.

§---7 Purebred Licenses:

The Town of Jerusalem will issue purebred licenses. The Town Clerk may provide a license, at licensee's expense at the established rate. No tag will be issued for purebred dogs covered by a Purebred License, and no such dog is required to have a tag affixed to its collar.

§---8 Guide Dog, Service Dog, Hearing Dog or Detection Dog Tag:

The Town of Jerusalem will not issue a special tag for identifying any guide dog, service dog, hearing dog or detection dog.

§---9 Fees and Surcharges:

The fees and surcharges for issuing dog licenses shall be fixed by resolution of the Town Board. Such fees and surcharges may from time to time be changed as the Town Board may determine. These fees and surcharges may include:

1. The license fee for a spayed or neutered dog;
2. The license fee for an un-spayed or an un-neutered dog (such fee having to exceed the fee for a license for a spayed or neutered dog by such amount as mandated by the New York State Agriculture and Markets Law);
3. In addition to the license fee authorized by this law and established by the Town Board of the Town of Jerusalem, a surcharge for the issuance of a purebred license (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law) for the purposes of carrying out animal population control efforts as provided in the New York State Agriculture and Markets Law;
4. In addition to the license fee authorized by this law and established by the Town Board of the Town of Jerusalem, a surcharge if the dog to be licensed **is** altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);
5. In addition to the license fee authorized by this law and established by the Town Board of the Town of Jerusalem, a surcharge if the dog to be licensed **is not** altered (such surcharge shall be, at a minimum, such amount as mandated by the New York State Agriculture and Markets Law);

6. In addition to the license fee authorized by this law and established by the Town Board of the Town of Jerusalem, a surcharge to recover and defray the cost of an enumeration of dogs living with the Town of Jerusalem.

7. In addition to the license fee authorized by this law and established by the Town Board of the Town of Jerusalem, a surcharge offsetting costs associated with the provision and replacement of identification tags.

§--10 Exemptions:

A. Excepted from payment of the license fee are applications submitted for a dog license for any of the following dogs, provided reliable written documentation is provided with such application that certifies such dog as being any of the following:

1. guide dog;
2. hearing dog;
3. service dog;
4. war dog;
5. working search dog;
6. detection dog;
7. police work dog; and
8. therapy dog.

B. A dog participating in a dog show within the Town of Jerusalem shall be exempt, during such participation only, from the requirement, contained in §--4 and, if applicable, §--7 of this Law and in Section 111, as amended, of the New York State Agriculture and Markets Law, of wearing its identification tag.

C. Any dog harbored within the Town of Jerusalem that is owned by a non-resident of New York State and licensed by a jurisdiction outside the State of New York or owned by a resident of New York City or licensed by the City of New York, shall be exempt from the licensing and identification provisions of this local law for a period of thirty (30) days.

§--11 Penalties:

A violation of this Law shall be punishable by:

A. A fine of twenty-five dollars (\$25.00) for a first violation;

B. A fine of fifty dollars (\$50.00) for a second violation within five years of the first violation; and

C. Where the person was found to have committed two or more such violations within the preceding five years, either a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen days, or both.

**SECTION 4. Separability:**

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 5. Effective Date:**

This local law shall take effect January 1, 2011 after filing with the Secretary of State.

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 the Town of Jerusalem, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

RESOLUTION #190-10

RESOLUTION ADOPTING FEES PERTAINING TO THE LICENSING OF DOGS

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

ADOPTed Ayes	4	Folts, Jones, Simmons, Stewart
Nays	1	Parson

Whereas the Town Board of the Town of Jerusalem has adopted a Local Law Adopting Regulations Regarding the Licensing of Dogs; and

Whereas this Local Law requires the Town Board to establish certain fees and surcharges pertaining to the licensing of dogs; now, therefore, be it

Resolved that the Town Board of the Town of Jerusalem hereby establishes the following fees and surcharges:

- 1) The license fee for a spayed or neutered dog shall be \$9.00.
- 2) The license fee for an unsprayed or an unneutered dog shall be \$15.00.
- 3) The surcharge if the dog to be licensed is altered shall be \$1.00.
- 4) The surcharge if the dog to be licensed is not altered shall be \$3.00.
- 5) The surcharge for every dog counted in an enumeration but is found to be unlicensed shall be \$0.00.

- 6) The surcharge for the provision and replacement of any identification tag shall be \$3.00.
- 7) The following license fees shall apply to purebred licenses:
- a) \$25.00, plus any applicable surcharges imposed by New York State for each purebred license, if no more than 10 registered purebred dogs.
  - b) \$50.00, plus any applicable surcharges imposed by New York State for each purebred license for 11-25 registered purebred dogs.
  - c) \$100.00, plus any applicable surcharges imposed by New York State for each purebred license for 26+ registered purebred dogs;

And, be it further,

Resolved that these fees shall be effective as of January 1, 2011.

Note: Councilperson Parson opposed as the purebred license fees did not increase.

RESOLUTION #191-10

YATES COUNTY INTER-MUNICIPAL 2011 ANIMAL (DOG) CONTROL AGREEMENT

On a motion of Councilperson Stewart, seconded by Councilperson Parson, the following was

ADOPTED:     Ayes       5       Folts, Jones, Parson, Simmons, Stewart  
              Nays        0

Whereas Yates County modified the inter-municipal agreement to provide animal (dog) control services in light of the NYS Agriculture and Markets law revisions to Article 7; now, therefore, be it

Resolved that the Supervisor be authorized to execute the Yates County Inter-Municipal 2011 Animal (Dog) Control Agreement commencing January 1, 2011 and terminating December 31, 2011 as presented.

With there being no further business, on a motion of Councilperson Simmons, seconded by Councilperson Folts, the meeting was adjourned at 9:15 P.M.

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Sheila McMichael, Town Clerk