

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 14, 2011 at 7:00 P.M. at the Keuka Park Fire Hall, 522 Assembly Avenue, Keuka Park. PRESENT were: Supervisor Jones, Councilors Folts, Parson, Simmons, Stewart, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Payne, Town Engineer Ackart.

GUESTS: Mike Steppe, Pat Killen, Jim Fitzgibbons, Rodgers Williams, Lynn Wuytowicz, Joe Hoff, Lisa Saether, Bob Worden, Edward Seus, Marianne Jahnke, Jim Barden, Joseph Cacciolo, Peter Gamba, Helen Slottje, Melanie Steinberg, Dennis Karalow, Bob Evans, Maril Nowark, Debbie Koop and several other unidentified guests.

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

RESOLUTION #205-11

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 16, 2011 meeting be approved as read.

RESOLUTION #206-11

APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 29, 2011 Special meeting be approved as read.

RESOLUTION #207-11

APPROVAL OF MINUTES

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

ADOPTED   Ayes       3       Jones, Simmons, Stewart  
          Nays       0  
          Abstain   2       Parson, Folts (did not attend)

Resolved that the minutes of the December 8, 2011 Special meeting be approved with the following addition to the record by Councilor Simmons:

A question was presented at the Special Meeting by Councilor Simmons. "What is a Land Use Attorney?" No one in room could answer the question.

RESOLUTION #208-11  
AUDIT OF CLAIMS

On a motion of Councilor Stewart, seconded by Councilor Folts, 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:	\$ 8,980.79
Outside Village	\$ 8,733.08
Highway DA:	\$ 9,327.16
Highway DB:	\$21,069.97
Branchport Light:	\$ 260.57
Sewer:	\$ 4,423.84
Water:	\$ 4,103.22
Trust:	\$ 3,591.80

November Utilities:

General:	\$ 2,689.33
Outside Village:	\$ 31.59
Sewer:	\$21,778.50
Water:	\$ 357.63
Debt Service:	\$43,500.00

RESOLUTION #209-11  
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of November 2011 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2011 - REVISION OF SEWER RENT REGULATIONS

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 amending Chapter 131 Sewers.

Town Engineer Ackart explained the amendment brings our regulations in line with current practice and adds a provision for large volume of sewer usage customers like Keuka College.

No one from the public wished to comment.

RESOLUTION #210-11

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW E OF 2011 - REVISION OF SEWER RENT REGULATIONS

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

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

Resolved that the public hearing on proposed local law E-2011 revising the sewer rent regulations was closed at 7:10 P.M.

PUBLIC HEARING - UNSAFE STRUCTURE, 3705 ROUTE 54A

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:11 P.M. on the unsafe structure located at 3705 Route 54A.

Neither Caroline Thompson nor a representative was present for the hearing. The Town Board received a report from Code Enforcement Officer Phillips containing his findings and recommendations regarding the structure at 3705 Route 54A, Branchport, NY, owned by Caroline Thompson that states his opinion that said structure is unsafe and dangerous to the public and recommends its immediate removal. It is purported that this property has been sold, but there has been no official notice to the Town on the sale yet.

RESOLUTION #211-11

CLOSE PUBLIC HEARING - UNSAFE STRUCTURE, 3705 ROUTE 54A

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

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

Resolved that the Public Hearing on the unsafe structure, 3705 Route 54A be closed at 7:17 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #212-11

REMOVAL OF UNSAFE STRUCTURE, 3705 ROUTE 54A

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

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

Resolved the Code Enforcement Officer of the Town of Jerusalem has filed his report in writing with the Town Board of the Town of

Jerusalem containing his findings and recommendations regarding certain structures situate on premise at 3705 Route 54A in which report said Enforcement Officer states his opinion that said structure is unsafe and dangerous to the public and requires their immediate securing or removal.

REPORT OF TOWN OFFICIALS  
HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Historian Bob Evans thanked the Highway Department for doing a phenomenally great job restoring three State historical signs; Guyanoga, Red Jacket and Jemima Wilkinson.

COUNCIL

- The Branchport Hamlet Plan Steering Committee will host a Community Workshop at the Branchport Fire House on Monday, December 19<sup>th</sup> from 7:00pm-9:00pm to share the status of the Branchport Hamlet Master Plan and to listen to the opinions and ideas of the residents regarding future development of the hamlet.
- Councilor Parson stated both the Planning and Zoning Boards December meetings centered on the hydrofracking discussion and they would like to see the proposed regulations reviewed by a land use attorney before being wrapped up.
- Councilor Simmons encouraged the Town ensure the continuation of the USA field on Route 54A with the new property owner.
- Councilor Folts took this opportunity to thank Councilors Stewart and Simmons for their service on the Town Board.
- Zoning Board member Ed Seus inquired about the Town Christmas Party. Councilor Stewart responded there will not be a party as the Town Board discontinued their contribution to the Sunshine Fund which covered this cost and other purchases such as flowers. Stewart encouraged the Board to reconsider the fund in 2012. A holiday luncheon was held for the employees yesterday.

SUPERVISOR

The Organizational Meeting will be held Wednesday, January 4, 2012 at 7:00 P.M.

SUBCOMMITTEE REPORTS:

YATES COUNTY MARCELLUS SHALE TASK FORCE:

Task Force member Peter Gamba stated they continue to work on a Host Agreement.

TOJ HYDROFRACK IMPACT STUDY COMMITTEE:

Peter Gamba, Chair of the TOJ Moratorium Impact committee presented the following report on behalf of the Committee:

The TOJ Moratorium Impact Committee would like to take this opportunity to thank the committee members and others for their hard and conscientious work on the proposed zoning ordinance that addresses the heavy industry of hydrofracking.

Special thanks goes to Helen and David Slottje for giving their time and sharing their experience in their preparation of the zoning ordinance. The TOJ really appreciates your efforts. We could not have done it without you!

We also want to thank Phil Bailey the town attorney for his reviews and his summary of the proposed zoning ordinance.

We also thank the Yates County Planning board for their support of the zoning ordinance.

We also appreciate the TOJ board, TOJ zoning board and TOJ planning board for asking clarifying questions regarding the zoning ordinance. We also support the TOJ board in their efforts to address questions concerning the zoning ordinance.

We also want to acknowledge the residents of the TOJ who have reviewed the zoning ordinance and communicated questions.

And finally, we thank the many TOJ residents who have expressed enormous support of the zoning ordinance via attending public meetings, personal contact and other forms of communication.

PROPOSED LOCAL LAW F -2011 WIND FARM REGULATIONS

Yates County Planning Board will review our proposed wind farm regulations at their December 15<sup>th</sup> meeting.

PROPOSED LOCAL LAW H -2011 ZONING AMENDMENT HIGH IMPACT INDUSTRIAL ACTIVITY

A lengthy discussion ensued regarding the request to have a land use attorney review proposed Local Law H-2011 amending and supplementing the zoning ordinance.

Supervisor Jones was presented with petitions signed by over eighty residents asking the Town Board to pass the proposed zoning code amendment (Local Law H-2011) as they support the preservation of our natural resources, air and water quality for present and future generations.

RESOLUTION #213-11

ATTORNEY REVIEW - PROPOSED LOCAL LAW H -2011 ZONING AMENDMENT HIGH IMPACT INDUSTRIAL ACTIVITY

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

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

Whereas members of the Town, Planning and Zoning Boards have requested additional legal review of proposed Local Law H-2011 Zoning Amendment High Impact Industrial Activity; now, therefore, be it

Resolved that proposed Local Law H-2011 and questions Supervisor Jones has received to date be submitted to the Association of Town for legal review; and further

Resolved that any additional questions for review be sent to the Town Clerk by December 21, 2011 for submission to the Association of Towns; and further

Resolved that we request receipt of the Association's report prior to the January 18, 2012 Town Board meeting; and further

Resolved that the Association's report will be forwarded to the Planning Board and they will be given one month to review the report and provide their written report back to the Town Board with the recommendations from the Planning Board; and further

Resolved that if the Planning Board is not satisfied with the Association's report that the Town will engage a Land Use Attorney to review proposed Local Law H-2011.

E-MAILS

Councilors Parson and Folts will work with Attorney Bailey to develop an e-mail policy related to confidentiality and sharing information with the public.

PUBLIC COMMENT - DAVID M. D'AMICO

Mr. D'Amico was not present to comment.

RESOLUTION #214-11

2011 HIGHWAY BUDGET AMENDMENT

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

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

Whereas, the Highway Superintendent requested monies for emergency work through FEMA, and

Whereas, the Town received notice on December 2, 2011 that The New York State Office of Emergency Management has processed a payment consisting of both State and Federal funds for a total of \$9,399.27; now therefore be it

RESOLVED that the 2011 Highway DB budget be amended as follows  
Revenue code 3960 (state aid) increased \$1,342.75  
Revenue code 4960 (federal aid) increased \$ 8,056.52  
Expense code 5110.4 (general repairs) increased \$ 9,399.27

ADDITIONAL FEMA FUNDS

Highway Superintendent Payne will work with Budget Officer Muscarella and submit their written recommendations to the Town Board on use of additional FEMA funds the Town anticipates receiving.

RESOLUTION #215-11

2011 BUDGET MODIFICATIONS

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

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

General

From 1990.4 Contingent Account \$1,022.00

To:

1010.4 Town Board	\$500.00
6510.4 Veterans War Memorial	\$185.50
8160.4 Clean up Day	\$286.50
9050.8 Unemployment	\$ 50.00

From 1355.1 Assessor Salary \$12,000.00

To 1355.4 Assessor Contingent \$12,000.00

Sewer

From 9901.9 Interfund Transfer \$16,277.00

To 8189.4 Misc. Repairs \$16,277.00

RESOLUTION #216-11

RESOLUTION TO ADOPT LOCAL LAW 6-2011 ENTITLED REVISION OF SEWER RENT REGULATIONS

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

ADOPTED BY ROLL CALL VOTE:

Councilor Stewart	Aye
Councilor Folts	Aye
Councilor Parson	Aye
Councilor Simmons	Aye
Supervisor Jones	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem to hold a public hearing at 7:00 p.m. on December 14, 2011, at the BRANCHPORT FIRE HOUSE, BRANCHPORT, New York, to hear all interested persons on a proposed Local Law entitled "REVISION OF SEWER RENT REGULATIONS", and

WHEREAS, thereafter, due to the unavailability of the Branchport Fire House at that time, the Supervisor with the consent of the Town Board changed the place of the public hearing to the KEUKA PARK FIRE HOUSE at 522 Assembly Avenue, Keuka Park, New York, and

WHEREAS, notice of said public hearing at the Keuka Park Fire House was duly advertised in The Chronicle Express, the official newspaper of said Town, on November 30 and December 7, 2011, and

WHEREAS, said public hearing was duly held at said time and place and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the regulations pertaining to the State Environmental Quality Review Act (SEQRA) the Town Board finds that adoption of the proposed Local Law is a Type II action as defined in Regulation 617.5 (c) (20) so that no determination of environmental significance is required to be made, and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Town Board finds and determines that this is a Type II action under the State Environmental Quality Review Act (SEQRA), and be it further

RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts Local Law No. 6-2011 entitled "REVISION OF SEWER RENT REGULATIONS", a copy of which is attached hereto and made a part of this resolution,



Be It enacted by the Town of Jerusalem as follows:

§ 1. Intent and purpose.

Chapter 131 of the Code of the Town of Jerusalem relates to Sewers, and Article VII thereof relates to Sewer Rents. Sections 131-26 and 131-27 should be amended to bring them in line with current practice, which has changed over the years. This amendment will also modify the application of the unit charge for Keuka College in view of changes in the operation of the college, which have rendered the present formula unworkable and perhaps unfair. In addition to its residential students, it has a large number of students who do not live in college-owned student housing. While Keuka College is currently the only customer in the district with a large volume of sewer usage, the change extends the provision to all such customers to avoid discrimination in case other such customers join the district in the future.

§ 2. Section 131-26 of Chapter 131 of the Code of the Town of Jerusalem relating to Sewers is amended to read as follows:

131-26. Unit basis to be used.

Sewer rents shall be charged on a unit basis. Each residence shall be charged one unit, a residence being defined as a separate living unit complete with usual facilities for such purpose. Commercial customers, industrial customers and other customers regularly using less than ten million gallons of water per year shall be charged on the basis of one unit per 40,000 gallons (or fraction thereof) of water used per year, one unit minimum. Customers regularly using more than ten million gallons per year 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. Water Used does not include water used for irrigation if it is separately metered. At the option of a customer regularly using more than ten million gallons per year, all of its properties may be aggregated in one account for the purpose of calculating and collecting this charge.

§ 3. Section 131-27 of said Chapter is amended to read as follows:

131-27 Rents due on a quarterly basis; penalties for late payments.

Sewer rents for the use of the sewer system shall be paid quarterly in quarter-annual payments in advance commencing July 1 and on October 1, January, shall be due and payable on the first day of each quarter, and shall be paid within 30 days after each such quarterly due date. Except for residential customers and customers regularly using more than ten million gallons per year, sewer rent for use in excess of 40,000 gallons per year shall be added to the sewer rent for the next quarter. In the event that payment is not made within the said thirty-day period, then a penalty of 10% of the delinquent amount shall be added to the sewer rent.

§ 4. Effective Date.

This Local law becomes effective immediately on its being filed by the New York State Secretary of State, except that Section 2 shall take effect on January 1, 2012.

;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 the Local Law to the Secretary of State of New York.

RESOLUTION #217-11  
2012 KEUKA PARK WATER DISTRICT EQUIVALENT DWELLING UNIT (EDU)  
SCHEDULE GUIDELINE

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

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

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's

**SCHOOL**

2-EDU's Per Classroom

**CHURCH OR PARSONAGE**

1-EDU

**COMMERCIAL**

**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'S

**PROFESSIONAL OFFICE**

1-EDU

**BOAT REPAIR/MARINA**

1-EDU FOR THE FIRST 50 SLIPS

1-EDU FOR EACH ADDITIONAL 50 SLIPS OR PART THEREOF

**MOTEL**

$\frac{1}{2}$  EDU (.5) FOR EACH RENTAL UNIT + 1 EDU FOR ANY OWNER OCCUPIED  
RESIDENCE

BED & BREAKFAST

$\frac{1}{4}$  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.)**

$\frac{1}{4}$ -EDU (.25) EDU FOR EACH APPROVED SITE

**OTHER**

KEUKA LAKE STATE PARK

30-EDU'S TOTAL

CAMP GOOD DAYS

10-EDU'S TOTAL

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.

RESOLUTION #218-11

APPROVAL - 2012 KEUKA PARK CONSOLIDATED WATER DISTRICT RATE

SCHEDULE

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

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

WHEREAS, Section § 198(3)(d) of the Town Law of the State of New York authorizes the Town Board, acting as the Board of Commissioners of the Keuka Park Consolidated Water District 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, the Committee for the Keuka Park Water and Sewer Districts has proposed that the rates for use of water for calendar year 2012 be as shown on the attached Proposed Rate Schedule, and

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Consolidated Water District, finds this Rate

Schedule to be reasonable and appropriate for the reasons expressed by the committee,

NOW THEREFORE, BE IT RESOLVED that the proposed Rate Schedule of the Keuka Park Consolidated Water District attached to this resolution be and it hereby is approved to go into effect on January 1, 2012 and continue in effect thereafter until further resolution of this Board.

KEUKA PARK WATER DISTRICT RATES

Usage: \$59.50/Quarter = 10,000 gallons (min)  
\$5.95/1000 gallons over minimum

Capital: \$246.91/EDU Billed annually on the January Town/  
County Tax Bill

Out of District Rate: 25% Surcharge on Usage and Capital

*Capital Charges commence when building permit is issued*

RESOLUTION #219-11

APPROVAL - 2012 KEUKA PARK SEWER DISTRICT RATE SCHEDULE

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

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

WHEREAS, Section 131-25 of the Code of the Town of Jerusalem authorizes the Town Board, acting as the Board of Commissioners of the Keuka Park Sewer District to establish the fees for use of water by customers of the district; and

WHEREAS, the Committee for the Keuka Park Water and Sewer Districts has proposed that the rates for use of water for calendar year 2012 be as shown on the attached Proposed Rate Schedule; and

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Sewer District, finds this Rate Schedule to be reasonable and appropriate for the reasons expressed by the committee;

NOW THEREFORE, BE IT RESOLVED that the proposed Rate Schedule of the Keuka Park Sewer District attached to this resolution be and it hereby is approved to go into effect on January 1, 2012 and continue in effect thereafter until further resolution of this Board.

KEUKA PARK SEWER RATES

CHARGES BELOW ARE ON A PER UNIT BASIS IN ACCORDANCE WITH SECTION 131-26 OF THE SEWER USE LAW

*(Sewer Fees are collected in advance)*

Keuka Park Sewer District (Original District)

Operation/Maintenance & Capital Combined: \$161.00/quarter

Keuka Park Sewer District Ext. #1, #3

Operation/Maintenance & Capital Combined: \$161.00/quarter

Keuka Park Sewer District Ext. #2

Operation/Maintenance: \$132.00/quarter

Grinder Pump Fee \$9.00/quarter

Capital: \$166.50/Quarter

Out of District Rate: 25% Surcharge on Usage and Capital

*Sewer Charges will commence first billing cycle after issuance of building permit*

BILLING DATES

Account Numbers Beginning in 1 and 4

Jan 1, April 1, July 1, Oct 1

Account # Beginning in 2, 3

Feb 1, May 1, August 1, November

Account # Beginning in 6

March 1, June 1, Sept 1, Dec 1

RESOLUTION #220-11

APPROVAL - KEUKA PARK SEWER AND WATER 2012 FEE SCHEDULE

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

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

WHEREAS, Section 131-25 of the Code of the Town of Jerusalem authorizes the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer District to establish the fees for water and sewer customers of the districts, and

WHEREAS, the Committee for the Keuka Park Water and Sewer Districts has proposed that the fees for water and sewer for calendar year 2012 be as shown on the attached Fee Schedule, and

2012 KEUKA PARK WATER/SEWER DEPARTMENT FEE SCHEDULE

Jerusalem Town Board

WATER FEE SCHEDULE	FEE
APPLICATION FEE	\$350.00
**IMPACT FEE	\$247.00 MULTIPLIED BY # of EDU'S
TURN ON/OFF	FIRST ON/OFF PER YR-NC; SUBSEQUENT ON/OFF \$25.00
METER(new and/or replacement)	\$200.00 FOR 5/8"; METERS LARGER THAN 5/8" BILLED AT COST
*HOURLY RATE	\$30.00 PER HOUR
*AFTER HOUR CALL IN	\$90.00
*PARTS	COST

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer District, finds this Fee Schedule to be reasonable and appropriate for the reasons expressed by the committee,

NOW THEREFORE, BE IT RESOLVED that the proposed Fee Schedule of the Keuka Park Water and Sewer District attached to this resolution be and it hereby is approved to go into effect on January 1, 2012 and continue in effect thereafter until further resolution of this Board.

SEWER FEE SCHEDULE	FEE
APPLICATION FEE	\$350.00
**IMPACT FEE SEWER ORIGINAL, Ext 1, Ext 3	\$19.00 MULTIPLIED BY # of EDU'S
**IMPACT FEE SEWER 2	\$666.00 MULTIPLIED BY # of EDU'S
TURN ON/OFF	FIRST ON/OFF PER YR-NC; SUBSEQUENT ON/OFF \$25.00
*HOURLY RATE	\$30.00 PER HOUR
*AFTER HOUR CALL IN	\$90.00
*PARTS	COST

RETURN CHECK	\$20.00/PER RETURNED CHECK
RELEVY FEE	\$50.00/PER ACCOUNT (Minimum Relevy Amount \$50.00)

\*These 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 charged an application fee in addition to the impact fee. Capital charges for water commence when

building permit is issued. Sewer Charges commence first billing cycle after issuance of building permit.

\*\*\*Water and Sewer Permits are valid for 90 days. Permits may be renewed 1 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 (\$350.00).

RESOLUTION #221-11

AUTHORIZE SUPERVISOR TO SIGN - SEWER #2 GRINDER PUMP MEMORANDUM OF AGREEMENT

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

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

Whereas the Town Of Jerusalem Sewer Department owns and maintains the E-1 Grinder Pumps in Sewer District #2; and

Whereas the Town of Jerusalem is responsible for the service, removal, replacement and repair of the E-1 Grinder Pumps in the Keuka Park Sewer District #2; and

Whereas the current Memorandum of Agreement between Dean Roberts and the Town of Jerusalem will expire January 20, 2011; and

Whereas Dean Roberts would like to renew the Memorandum of Agreement to service, remove, replace and/or repair of the E-1 Grinder Pumps in the Keuka Park Sewer District #2; and

Whereas; the cost associated with maintaining the E1 Grinder Pumps in the Keuka Park Sewer District Extension 2 are passed along the property owners in the Keuka Park Sewer District 2;

Whereas the Town of Jerusalem wishes to renew the Memorandum of Agreement for an additional 2 years;

Now therefore, be it resolved that the Town Board authorizes Daryl Jones to sign the Grinder Pump Memorandum of Agreement between the Town of Jerusalem and Dean Roberts for a term of 2 years.

RESOLUTION #222-11

AUTHORIZE KPSW MAPPING

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

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



Nays 0

Whereas; the water and sewer department has requested authority to hire Richard Willson from Willson and Associates to review and interpret the boundaries of the existing water and sewer districts and extensions; and

Whereas; Willson and Associates has a business located in the Town of Jerusalem; and

Whereas; completing the project will require coordination with Yates County Real Property and Yates County Soil and Water; and

Whereas; Willson and Associates is familiar with many of the Keuka Park Water and Sewer Districts and currently works closely with Yates County Real Property and Yates County Soil and Water; and

Whereas; currently the water and sewer department lack copies of certain district boundary maps; and

Whereas certain district boundaries are described by tax map numbers that are obsolete; and

Whereas; the water and sewer districts include vacant pieces of land that are inquiring or requesting public water and/or public sewer services; and

Whereas; in some instances it is difficult to determine; without legal research whether or not a parcel of land is within, contiguous or the proximity to a water or sewer district; and

Whereas; the Water and Sewer Department has received a quote in the amount of \$4500.00 from Willson and Associates to review the legal description of all Keuka Park Water and Sewer Districts and Extensions and deliver paper maps and electronic files that mirror the adopted Water and Sewer District boundaries adopted by the Town of Jerusalem; and

Whereas; the electronic files will include polygons of the districts which are compatible with the Town of Jerusalem and Yates County's GIS mapping system; now,

Therefore; be it resolved that Willson and Associates be hired by the water and sewer department; and once the project is completed; half the expense \$2250.00 be funded by 8120.4 and the other half \$2250.00 be funded by 8340.4.

RESOLUTION #223-11

DEPUTY CLERK APPOINTMENT - RECORDS MANAGEMENT

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

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

Whereas Keuka College's Field Period offers "real life", practical experience to students for a minimum of 140 hours; and

Whereas the Records Management Officer has agreed to provide guidance, supervision and evaluation of a student during their Field Period who desires personal growth with the objective to learn the value of records, proper handling and retrieval of documents, along with general office procedures; now, therefore, be it

Resolved that Keuka College student, Meredyth McMichael who has been appointed as Deputy Clerk be paid at an hourly rate of \$10.00 to fulfill her Field Period requirement.

Councilor Parson stated while we support the experience for Keuka College students, the Town should seek grant funding for the program.

RESOLUTION #224-11

ACCEPT ZONING BOARD RESIGNATION - MIKE STEPPE

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

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

Resolved the Town Board accepts the resignation of Mike Steppe from the Zoning Board as a newly elected Town Board member.

Mr. Steppe was thanked for serving on the Zoning Board. Zoning Board alternate Jim Bird will assume the vacated position. An application is being considered for the alternate position. Councilor Simmons encouraged agricultural representation on the Zoning Board.

RESOLUTION #225-11

RESOLUTION REQUESTING THE MOVING OF NEW YORK STATE'S SEPTEMBER PRIMARY TO THE SAME DATE AS THE FEDERAL PRIMARY

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

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

*WHEREAS*, a denial of waiver has been issued by the court in the matter of USA v. State of New York & SBOE, the so-called "MOVE Act lawsuit", and

*WHEREAS*, this denial of waiver will potentially cause there to be scheduled three separate primaries in 2012, and

*WHEREAS*, an additional third primary had neither been expected nor been budgeted for in the Yates County Board of Elections submitted 2012 budget, creating an unexpected financial burden, and

*WHEREAS*, the desired primary date by the Yates County Election Commissioners and The New York State Election Commissioners Association being the 4<sup>th</sup> Tuesday in June, now, therefore

*BE IT RESOLVED* that the Yates County Legislators urge the State of New York to schedule the September primary on the same date as the Federal primary, thereby avoiding the imposition of costs upon the County associated with a third primary.

RESOLUTION #226-11

MOVE TO EXECUTIVE SESSION

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

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

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

The Executive Session convened at 9:25 P.M. Newly elected Town Board members Pat Killen and Mike Steppe were asked to remain along with KPSW Clerk Wheeler and Town Engineer Ackart.

Supervisor Jones called for a 5 minute recess.

RESOLUTION #227-11

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 9:40 P.M.

KPSW Clerk Wheeler and Town Engineer Ackart left the meeting.

RESOLUTION #228-11

MOVE TO EXECUTIVE SESSION

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

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

Resolved that this meeting be interrupted to enter into Executive Session to discuss the Assessor's terms of employment.

The Executive Session convened at 9:41 P.M.

RESOLUTION #229-11

RETURN TO REGULAR SESSION

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

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

Resolved that the Board return to regular session.

The Board reconvened in regular session at 10:22 P.M.

RESOLUTION #230-11

AUTHORIZE COMMITTEE TO CONTINUE ANALYSIS OF 1995 JERUSALEM/PENN YAN INTERMUNICIPAL SEWAGE DISPOSAL AGREEMENT

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

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

Whereas the committee established to review the 1995 Jerusalem/Penn Yan Intermunicipal Sewage Disposal Agreement (Agreement) is requesting they be empowered as a Task Force to develop a proposed addendum; now, therefore, be it

Resolved the Town Board gives its authorization for said committee to continue and try to come up with an amendment to the existing 1995 Agreement that would focus on changes to Section 5. of the existing contract and determine the process to calculate Jerusalem's annual payment and reconciliation and other issues in said contract; and be it further

Resolved that said committee will report back with all information and the Town Board will have final determination.

Jerusalem Town Board  
December 14, 2011

With there being no further business, on a motion of Supervisor Jones, seconded by Councilor Simmons, the meeting was adjourned at 10:25 P.M.

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Sheila McMichael, Town Clerk