

Minutes of the special meeting of the Jerusalem Town Board held on January 28, 2015 at 6:00 P.M. PRESENT were: Supervisor Killen, Councilors Dinehart, Jones, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael.

GUESTS: Carrie Wheeler, John Christensen; *Chronicle Express* Reporter

Supervisor Killen called the meeting to order with the Pledge to the Flag at 6:00 P.M.

Supervisor Killen stated two concerns with the draft amendment to the 1995 Penn Yan, Jerusalem Sewage Contract regarding billing and executing mutual releases raised by Attorney Jeff Graff have been addressed by Attorney Dan Spitzer.

RESOLUTION #39-15

AUTHORIZE SUPERVISOR TO SIGN AMENDMENT TO THE 1995 PENN YAN, JERUSALEM SEWAGE CONTRACT

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

ADOPTED Ayes 5 Dinehart, Jones, Killen, Parson, Steppe
Nays 0

Whereas the Town of Jerusalem has contracted with the Village of Penn Yan for treatment of sewage since 1995, and

Whereas there has been a long standing disagreement over the percentage paid by the Town of Jerusalem to the Village of Penn Yan for treatment of sewage, and

Whereas the Town of Jerusalem has attempted talking with the Village of Penn Yan, and engaged in litigation in an attempt to obtain what we believed as a fair percentage to pay for treatment of sewage as outlined in the original contract, and

Whereas the Town of Jerusalem agreed to suspend litigation against the Village of Penn Yan and engage in talks in 2014 seeking an agreement to modify and clarify the contract, and

Whereas a negotiating committee was selected by Town of Jerusalem to include Supervisor Patrick Killen, Councilman Mike Steppe, and Water & Sewer Clerk Carrie Wheeler, and they met with Village of Penn Yan Mayor Leigh MacKerchar, Trustee Willie Allison, and Treasurer Gary Meeks, and

Whereas after a series of meetings, a tentative agreement was reached and brought back to the responsive boards for discussion and approval, now

Therefore be it resolved that the Town of Jerusalem Board approve the Supervisor to sign the attached amendment to the 1995 Penn Yan, Jerusalem Sewage Contract.

Councilor Jones stated for the record that he has been accused of opposing resolution of this dispute when he only questioned why the Town is making the \$42,000 payment as settlement of all prior claims to the Village. He is not trying to prevent the Agreement from being signed, but the Supreme Court Decision on this matter (Index No. 2008-00331) did not order the Town to pay back the \$42,000. What the Town is getting from the Village under the Agreement modification is nothing more than what the original contract provided. Councilor Jones would, however, support the Agreement modification as written to move on.

Supervisor Killen stated the Village of Penn Yan will be holding a special meeting on Friday.

With there being no further business, on a motion of Councilor Steppe, seconded by Councilor Dinehart, the meeting was adjourned at 6:21 P.M.

Sheila McMichael, Town Clerk