

Minutes of the regular monthly meeting of the Jerusalem Town Board held on December 18, 2009 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilpersons Folts, Hopkins, Simmons, Stewart, Town Engineer Ackart, Town Clerk McMichael.

GUESTS: Bill Pringle, Dave Wegman, George Sproule, Deborah Muntner, Mike Wilcox, Bob Evans, Taylor Fitch, Jan Molyneaux, Gary Molyneaus, Leonard Lang, Delores Lang, Doug Paddock, Joan Paddock, Tom Close, Jim Fitzgibbons, Ken Licht.

EXCUSED: Highway Superintendent Payne

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:00 P.M. and turned the meeting over to Councilperson Hopkins who will be completing her term on the Town Board December 31, 2009.

RESOLUTION #188-09
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the November 18, 2009 and December 8, 2009 meetings be approved as read.

RESOLUTION #189-09
AUDIT OF CLAIMS

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

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

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

General:	\$14,498.49
Highway DA:	\$ 7,718.74
Highway DB:	\$48,696.84
Water:	\$ 9,841.01
Sewer:	\$ 3,461.86
Trust:	\$ 6,104.72
Branchport Light:	\$ 185.17
November utilities: General:	\$ 1,821.86
Water:	\$ 414.37
Sewer:	\$20,278.17
Trustee:	\$37,790.88
Debt Service:	\$46,475.00

RESOLUTION #190-09
SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of November 2009 be accepted as presented.

RESOLUTION #191-09
MOVED TO SCHEDULED PUBLIC HEARING - KEUKA PARK CONSOLIDATED WATER DISTRICT EXTENSION #1

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

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

With proof of notice having been duly published and posted, the Public Hearing on the establishment of Keuka Park Consolidated Water District Extension #1 was opened at 7:03 P.M.

The meeting was turned back over to Supervisor Jones who provided the guidelines for conduct during the hearing.

The map of the proposed 36 +/- acres Consolidated Water District Extension #1 between Eastman Avenue and Sand Hill Road that accompanied the Petition from Doug and Joan Paddock was displayed.

Mr. Paddock clarified that as the property owner, the water system will be constructed at his expense. After completion of the construction of the extension, the Town would take over the line and customers. Town Engineer Ackart added that he believes this will be the first of many to come before the Town Board as development occurs within the Town. Adding customers is a good business decision for the Town as additional customers will contribute to the principal and bond payments along with the fixed operating costs of the Consolidated Water District. The Town has provisions in place to handle additional customers with our existing regulations along with the newly enacted subdivision regulations.

Supervisor Jones received a disclosure statement dated December 15, 2009 from Attorney Phil Bailey stating that he represents both the Town and the petitioner in this matter. The letter was distributed to the Town Board.

No one wished to comment on the Petition. The public hearing was left open.

REPORT OF TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Highway Roadwork Budget Report for December 2009 on file in the Office of the Town Clerk.

TOWN ENGINEER

- Town Engineer Ackart reported the cold weather resulted in a water main break, along with requiring a repair to the master meter data logger last week.

COUNCIL

- The Zoning Board named Glenn Herbert as Chair and Jim Crevelling as Vice Chair.
- Councilperson Simmons has been working with a Farm Bureau representative to determine the Town's eligibility to participate with Farm Bureau in the Energy Plus Program to receive a 2% reduction on our electric costs.

RESOLUTION #192-09

AUTHORIZE NEW YORK FARM BUREAU MEMBERSHIP

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

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

Resolved the Town of Jerusalem become a member of New York Farm Bureau to qualify for the 2% discount on our electric usage through their Energy Plus Program.

SUPERVISOR

Supervisor Jones read the following prepared statement regarding litigation between the Village of Penn Yan and the Town of Jerusalem:

December 16, 2009

Re: Litigation ref. Sewer 2 Addendum

I have read the articles and letters to the Editor regarding litigation between the Village of Penn Yan and the Town of Jerusalem.

I feel it is necessary to make this statement regarding the Towns stance.

When I became Supervisor I began reading some of the contracts that the Town has with the Village. One of those contracts was the Sewer contract and the addendum for extension #2.

The original contract allowed Jerusalem to send 205,000 gallons a day to Penn Yan. The addendum allowed an additional 60,000 gallons a day, for a total of 265,000. The above figures are average daily flows.

I also was receiving the monthly flow rates and realized that they were well below the total Jerusalem is allowed. The highest average was in September 2004, of 133,000, which prompted a letter Feb 26, 2005 to Mayor Marchionda requesting a meeting to discuss the Addendum which was signed Feb. 13, 2002. In April 2005 I received a phone call from Ed. Balsley who said that he would set a meeting with the Municipal Board, On June 17, I mailed another letter to the Mayor again asking for a meeting with the Village Board and or the Municipal Board. Two months later on August 23, I received a memo from Mr. Balsley setting August 30, with the Municipal Board, 6 months after requested.

After meeting with the Municipal Board, we were advised that their Board is advisory only to the Village Board, therefore I mailed a letter to Mayor Marchionda asking to meet with him and Mr. Allison. I followed up with an additional letter Oct. 24, 2005 again asking for a date to meet. With this letter I included a copy of a decision received from Association of Towns counsel, informing me that Inter Municipal Agreements signed after 1996 had a life of 5 years. I received a phone call from the Village Clerk November 28, 2005 asking if I could meet with the Mayor at 6PM that same evening. I did meet with the Mayor, Mr. Allison and Rom French and presented my concerns and asked if it would be possible to renegotiate the addendum and reduce the cost to our rate payers to a more reasonable amount. I was not asking to renegotiate the original contract which more that pays for the total amount of sewage that the Village treats from Jerusalem. The outcome from this meeting was that the Village was unwilling to renegotiate.

This prompted a unanimous decision from the Town Board to seek legal counsel. Our Town Attorney agreed with the Association of Towns decision that the Addendum would expire after five years but felt he didn't have the expertise to argue it in court. We then retained another attorney, who also agreed with the expiration of the addendum.

The Town of Jerusalem has numerous letters to the Village requesting to sit down and talk for the past 5 years. Our Attorney

mailed a letter to the V/ Attorney requesting this with no response. The Towns frustration is the lack of communication with our neighbor.

The judge ruled against Jerusalem and the expiration of the addendum. Our counsel feels that we should appeal and we have left that option open.

We have asked the Village for the amount that Jerusalem owes because the Judge did not allow them the full amount that they requested. We have not received that amount to date.

COMMITTEE REPORTS:

None.

RESOLUTION #193-09

SEQR CONSIDERATION AND NEGATIVE DECLARATION - PROPOSED ADDITION OF PROPERTY TO THE BRANCHPORT SERVICE PARK

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

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

Whereas the Town has held a public hearing and took comment on the Addition of Lands to the Branchport Service Park on October 21, 2009; and

Whereas the Town is obligated to discharge its obligations required by the State Environmental Quality Review Act prior to any adoption or enactment of said Local Law; now, therefore, be it

Resolved the Town declares itself Lead Agent, deems the potential adoption or enactment to be an "Unlisted Action" for the purposes of SEQR, and has had prepared a Short Form Environmental Assessment, opting to not conduct a Coordinated Review; and be it further

Resolved the Town Board has reviewed said Short Environmental Assessment Form, and hereby determines that said Action Will Not result in any significant adverse environmental impacts and hereby directs the Supervisor to so sign said Form and file same in the Office of the Town Clerk.

DISCUSSION - PROPOSED LOCAL LAW G-2009 AMENDING THE BOUNDARIES OF THE BRANCHPORT SERVICE PARK AND THE TOWNHOUSE PROJECT

There was a lengthy discussion on comments received in the December 8, 2009 Department of Environmental Conservation's letter following their review of the Harbor View Town Homes State Pollutant

Discharge Elimination System permit application and the impact of these comments on the Town Board's decision regarding proposed local law G-2009 that amends the Branchport Service Park boundaries. Town Attorney Bailey recommended the Town not condition the zoning change based on actions of the various approving agencies. Any condition put forth by these agencies will have to be addressed as the Town Home project proceeds.

RESOLUTION #194-09

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. G-2009 (PROPOSED) AMENDING THE BOUNDARY OF THE BRANCHPORT SERVICE PARK

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

ADOPTED BY ROLL CALL VOTE

Councilperson Folts	Aye
Councilperson Simmons	Aye
Councilperson Stewart	Aye
Supervisor Jones	Aye
Councilperson Hopkins	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 October 21, 2009, at 7:15 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 amending the Zoning Ordinance of the Town of Jerusalem Section 160-7 establishing the boundaries of the Branchport Service Park District"; and

WHEREAS, notice of said public hearing was duly advertised in The Chronicle Express, the official newspaper of said Town, on September 30 and October 7, 2009; and

WHEREAS, said public hearing was duly held on October 21, 2009, at 7:15 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, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on September 24, 2009, pursuant to section 239-m of the General Municipal Law; 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. 8 of 2009 entitled "A Local Law amending Section 160-7 establishing the boundaries of the Branchport Service Park District", a copy of which is attached hereto and made a part of this resolution,

A LOCAL LAW AMENDING THE ZONING LAW AS TO THE BOUNDARY OF THE
BRANCPORT SERVICE PARK DISTRICT

SECTION 1: Subsection F Branchport Service Park (BSP) of Section 160-7 (entitled "Boundaries established") of Chapter 160 of the Code of the Town of Jerusalem, which subsection was enacted by Local Law No. 4 of 2003 and amended by Local Law No. 1 of 2005, is hereby further amended to read in its entirety as follows:

F. Branchport Service Park (BSP): All the land bounded as follows: beginning at the intersection of the center line of New York State Route 54 A and the north line of land conveyed by George R. Preston to James F. Mahoney and Dorothy K. Mahoney by deed dated July 24, 1978, and recorded in the Yates County Clerk's office in Liber 285 of Deeds at Page 361, and running thence easterly along the north line of said lands conveyed to Mahoney to the northeast corner thereof in the west line of Lands conveyed by Russell J. Mangano to William Eric Pinckney and Susan B. Pinckney dated January 22, 1975, and recorded in said Clerk's office in Liber 263 of Deeds at Page 239; thence southerly along the line between said lands conveyed to Mahoney on the west and said lands conveyed to Pinckney on the east to the north line of lands described as Parcel No. 1 in the deed from Richard Kelley to Nangeo, LLC, dated September 1, 2002 and recorded in said Clerk's office in Liber 473 of Deeds at Page 312; thence easterly along the line between said Parcel No. 1 conveyed to Nangeo on the south and said lands conveyed to Pinckney on the north to the shore of Keuka Lake; thence southerly along the shore of Keuka Lake to the line separating the lands now or formerly of Myron L. Jensen, who conducted business under the assumed name of Keuka Lake Marine, (as described in the deed recorded in the Yates County Clerk's Office in Liber 256 of Deeds at page 358) on the north from lands now or formerly of Lynda

Erkiletian (as described in the deed recorded in the Yates County Clerk's Office in Liber 378 of Deeds at page 636) on the south; thence westerly along the north line of said lands of Erkiletian to the center of New York State Route 54A; thence northerly along the center of New York State Route 54A to the place of beginning.

SECTION 2: This Local Law shall take effect immediately upon its being filed by 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 #195- 09

2009 BUDGET AMENDMENT - HIGHWAY DB

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

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

Whereas, the 2009 Highway DB budget reflects revenue of \$199,450.00 from CHIPS, and

Whereas, the actual CHIPS monies received were \$199,874.19, now, therefore be it

Resolved that the 2009 Highway DB budget be amended as follows:

Revenue 3501- (State Aid CHIPS) increased \$424.19

Expenditure 5112.4- (Permanent Improvement Contractual) increased \$424.19

RESOLUTION #196-09

2009 BUDGET AMENDMENT - RECREATION PROGRAM

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

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

Whereas, the Town has received confirmation of funding through Yates County for the Recreation Program; and

Whereas, these monies will be disbursed from Yates County on December 16, 2009; now, therefore

BE IT RESOLVED that the Town recognize this funding and amend the 2009 budget as follows:

Revenue 3889 (other culture and recreation) \$3,620.10
Expenditure 7310.4 (recreation contractual) increased \$3,620.10

RESOLUTION #197-09

2009 BUDGET MODIFICATION - SEWER RESERVE FUNDS

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

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

Whereas the Town Board established the creation of two sewer reserve funds under Resolutions #145-09 and 157-09; and

Whereas at the time monies were not allocated for this purpose; and

Whereas upon review of the sewer balances for 2009 the Town foresees having monies available to open such reserves; now, therefore

Be It Resolved that the sewer budget for 2009 be modified as follows:

Sewer Budget:

Contingent	1990.4 decreased	\$7,000
Interfund Transfer	9901.8 increased	\$7,000

RESOLUTION #198-09

AUDIT ENGAGEMENT LETTER - RAYMOND F. WAGER, CPA, P.C.

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

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

Resolved that the Supervisor be authorized to execute the Engagement Letter from Raymond F. Wager, CPA, P.C. for the year ended December 31, 2009 audit at an estimated cost of \$11,600.00.

Councilperson Simmons stated he previously suggested a Request For Proposal be submitted for auditing services. Supervisor Jones responded information was provided to Councilperson Simmons back in August 2009 to develop an RFP and he never heard anything further on the matter until tonight.

RESOLUTION #199-09

ADOPTION OF 2010 WATER & SEWER RATES, FEES AND EQUIVALENT DWELLING
UNIT (EDU) SCHEDULE

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

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

Whereas, the Town Board adopted the 2010 budgets for the Keuka Park
Water and Sewer District(s) at the 11/18/2009 Board meeting, and

Whereas, said budgets were predicated upon proposed rates, fees and
E.D.U. schedule for 2010(attached),

Now be it Resolved that said proposed 2010 rates, fees and E.D.U.
schedule be adopted and implemented as of 1/01/2010.

**KEUKA PARK WATER/SEWER DEPARTMENT
RATE SCHEDULE 2010**

KEUKA PARK WATER RATES

Keuka Park Water District

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

Capital: \$251.90/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

KEUKA PARK SEWER RATES:

(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

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

Keuka Park Sewer District Ext. #2

Operation/Maintenance: \$123.00/quarter

Grinder Pump Fee \$18.00/quarter

Capital: \$171.00/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 (KP Original and Ext 2)

Jan 1, April 1, July 1, Oct 1

Account # Beginning in 2, 3 (Ext 1)

Feb 1, May 1, August 1, November

Account # Beginning in 6 (Ext 3)

March 1, June 1, Sept 1, Dec 1

2010 KEUKA PARK WATER/SEWER DEPARTMENT

Jersualem Town Board
December 16, 2009

FEE SCHEDULE

WATER FEE SCHEDULE	FEE
APPLICATION FEE	\$350.00
**CONNECTION FEE	\$252.00 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	\$25.00 PER HOUR
*AFTER HOUR CALL IN	\$75.00
*PARTS	COST

SEWER FEE SCHEDULE	FEE
APPLICATION FEE	\$350.00
**CONNECTION FEE SEWER ORIGINAL, Ext 1, Ext 3	\$20.00 MULTIPLIED BY # of EDU'S
**CONNECTION FEE SEWER 2	\$684.00 MULTIPLIED BY # of EDU'S
TURN ON/OFF	FIRST ON/OFF PER YR-NC; SUBSEQUENT ON/OFF \$25.00
*HOURLY RATE	\$25.00 PER HOUR
*AFTER HOUR CALL IN	\$75.00
*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.

**Connection 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 connection 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).

**KEUKA PARK WATER DISTRICT
EQUIVALENT DWELLING UNIT (EDU)**

SCHEDULE GUIDELINE

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

½ EDU (.5) FOR EACH RENTAL UNIT + 1 EDU FOR ANY OWNER OCCUPIED RESIDENCE

BED & BREAKFAST

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, ECT.)

¼-EDU (.25) EDU FOR EACH APPROVED SITE

OTHER

KEUKA LAKE STATE PARK

30-EDU'S TOTAL

CAMP GOOD DAYS

10-EDU'S TOTAL

Resolution #200-09
APPROVE KWIC LATE FEE

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

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

Whereas the KWIC Board adopted the KWIC fee schedule on November 23, 2009; and

Whereas the KWIC Board also discussed the late fee schedule which must be adopted by the individual Municipalities, proposed as follows:

	Paid to	Late Filing Fee*
Zone One Inspection	Municipality	\$100
Construction Inspection	Municipality	\$100
Real Prop Transfer Inspection	Municipality	\$300

60-day Extension for Construction Permit (if requested prior to permit expiring) - No Charge

*Late Filing Fees are charged IF construction is started without permits or construction is completed without inspection by Watershed inspector or if a Zone One inspection is not performed the year scheduled or a Property Sale is transferred without a real property transfer inspection. If schedules are met according to regulations there are no LATE FEES. The Late fees are recommendations from KWIC to Municipalities for adoption

Now, therefore, be it

Resolved the KWIC late filing fee outlined above be adopted as presented.

RESOLUTION #201-09

APPROVE CLOUGH HARBOUR CONSULTING CONTRACT

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

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

Resolved that the Supervisor be authorized to execute the 2010 Municipal Consulting Agreement with Clough Harbor & Associates, LLP to provide consulting engineering service to the Town, if needed.

RESOLUTION #202-09

BOARD OF ASSESSMENT REVIEW APPOINTMENT

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

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

Resolved that Mark Smith be appointed to the Board of Assessment Review for the term expiring September 30, 2014.

Councilperson Hopkins made the Town Board aware of the frustration experienced by the Board of Assessment Review members with the assessment filings. The BAR members take a lot of time to handle these issues and don't feel the hearing officer considers their work when making decisions.

RESOLUTION #203-09

HEALTH AND/OR DENTAL INSURANCE PREMIUM CONTRIBUTION

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

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

Whereas, the Town Board members made a decision, during the 2010 budgeting process, to pay 25% of the difference between a single health and/or dental insurance premium and a two-person health and/or dental insurance premium, and

Whereas, this percentage will be taken as a taxable deduction with the payroll process, and

Whereas, this resolution gives the bookkeeper the direction to deduct said monies from those board members with two person health packages, now be it

Resolved that the Town Board members pay per the above stated policy.

ORGANIZATIONAL MEETING

Supervisor Jones stated the Organizational Meeting is scheduled for 5:00 P.M. on Wednesday, January 6, 2010.

RECOGNITION OF COUNCILPERSON HOPKINS

Yates County Legislator Donna Alexander presented Councilperson Hopkins with flowers commending her for her years of service and being a leader in the community.

GRANT WRITING WORKSHOP

Councilperson Hopkins asked County Legislator Fitch to explore the County sponsoring a grant writing workshop.

RESOLUTION #204-09

CLOSE PUBLIC HEARING - PROPOSED WATER EXTENSION #1

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

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

Resolved that the Public Hearing be closed at 8:23 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #205-09

SEQR DETERMINATION - KEUKA PARK CONSOLIDATED WATER DISTRICT EXTENSION #1

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

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

Whereas the Town held a public hearing and took comment on the addition of lands owned by Douglas and Joan Paddock to the Keuka Park Consolidated Water District on December 16, 2009; and

Whereas the Town is obligated to discharge its obligation required by the State Environmental Quality Review Act prior to any adoption or enactment of said Petition; now, therefore be it

Resolved the Town declares itself Lead Agent, deems the potential adoption or enactment to be an "Unlisted Action" for the purposes of SEQR, and has prepared a Short Form Environmental Assessment, opting to not conduct a Coordinated Review; and be it further

Resolved the Town Board has reviewed said Short Environmental Assessment Form and hereby determines that said Action will not result in any significant adverse environmental impacts and hereby directs the Supervisor to so sign said Form and file same in the Office of the Town Clerk.

RESOLUTION #206-09

APPROVAL OF THE KEUKA PARK CONSOLIDATED WATER DISTRICT EXTENSION #1

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

ADOPTED BY ROLL CALL VOTE:

Councilperson Stewart	Aye
Supervisor Jones	Aye
Councilperson Hopkins	Aye
Councilperson Simmons	Aye
Councilperson Folts	Aye

WHEREAS, a Petition, together with the necessary map and plan, for Extension #1 of the Keuka Park Consolidated Water District (the "District") in the Town of Jerusalem, New York (the "Town"), dated November 16, 2009, has been presented to the Town Board by Douglas and Joan E. Doyle Paddock; and

WHEREAS, an Order was duly adopted by the Town Board on November 18, 2009, reciting the filing of said Petition, the boundaries of the proposed extension, the absence of current plans for improvements, and the cost thereof (being no cost to the Town or District), and specifying December 16, 2009, at 7:00 p.m. in the Town Hall, 3816 Italy Hill Road, Branchport, New York, as the date, time and place where the said Board would hold a public hearing to consider the Petition and to hear all persons interested in the subject matter thereof concerning the same; and

WHEREAS, such Order was duly posted and published as required by law; and

WHEREAS, a public hearing on the matter was duly held by the Town Board on December 16, 2009, at 7:00 p.m., where discussion of the matter was had, and all persons interested were given the opportunity to be heard; and

WHEREAS, pursuant to Town Law § 194 (6), the approval of the State Comptroller is not required since the entire burden of the financing of the proposed extension is to be borne by the Petitioner, and there is to be no financing to be borne by the Town, the District, or any prior extensions thereof;

NOW, THEREFORE, BE IT

RESOLVED AND DETERMINED, that: (a) the Petition is signed and acknowledged as required by law and is otherwise sufficient; (b) all property and property owners within the limits of the proposed extension are benefited thereby; (c) all property owners benefited thereby are included within the limits of the proposed extension; and (d) it is in the public interest to grant in whole the relief sought; and it is further

RESOLVED, that the extension of the District in the Town, as proposed in the Petition, be and the same is hereby approved, and that the said water district extension include the property bounded and described as set forth in "Schedule A" annexed hereto and made a part hereof; and it is further

RESOLVED, that the total cost of the improvements to be constructed within the boundaries of the said water district extension shall be borne by the Petitioners or successors at no cost to the Town, the District or any prior extensions thereof; and it is further

RESOLVED, that the District shall not be required to permit any main or service connection to the property hereby added to the District unless and until the plans and installation thereof have been submitted to and approved by the District and New York State Department of Health in advance of construction and inspected and approved following construction, and it is further

RESOLVED, that the Town Clerk shall, within ten (10) days after adoption of this Resolution, file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York, and record a certified copy in the Office of the Clerk of the County of Yates.

“SCHEDULE A”
DESCRIPTION of LANDS to be ADDED to
KEUKA PARK CONSOLIDATED WATER DISTRICT

ALL THAT TRACT OR PARCEL OF LAND being a portion of Great Lots 38, 41, 42 & 52 of Township 7 of the 1st Range, situate in the Town of Jerusalem, County of Yates, State of New York bounded and described as follows:

Beginning at an iron pin & cap set on the southwesterly bounds of Sand Hill Road a distance of 150.00 feet measured northwesterly along said highway boundary from its intersection with the northwesterly line of Fair Oaks Avenue; thence the following thirty-two (32) courses and distances:

- 1) South 49-34-48 West a distance of 756.91 feet to found iron pin,
- 2) along a curve to the left having a radius of 679.48 feet, an arc length of 404.71 feet, a chord bearing of South 32-31-00 West and a chord length of 398.76 feet to a found iron pin,
- 3) along a curve to the right having a radius of 771.75 feet, an arc length of 146.36 feet, a chord bearing of South 20-53-11 West and a chord length of 146.14 feet to a found iron pin,
- 4) North 42-01-30 West a distance of 243.99 feet to a point, said point being located South 57-23-00 East a distance of 0.56 feet from a found iron pin,
- 5) South 47-58-30 West and passing through a found iron pin at a distance of 54.04 feet from the end of this course, a total distance of 340.83 feet to a point in the center of a gully,
- 6) North 53-02-53 West a distance of 40.72 feet to a point,
- 7) North 67-45-24 West a distance of 103.62 feet to a point,
- 8) North 74-11-23 West a distance of 115.04 feet to a point,
- 9) North 50-15-34 West a distance of 49.12 feet to a point,
- 10) North 74-50-36 West a distance of 179.89 feet to a point,
- 11) North 49-14-56 West a distance of 95.45 feet to a point,
- 12) North 74-26-58 West a distance of 52.05 feet to a point,
- 13) North 38-16-19 West a distance of 84.19 feet to a point,
- 14) North 45-03-51 West a distance of 67.71 feet to a point,
- 15) North 51-18-40 West a distance of 99.95 feet to a point,
- 16) North 48-09-06 West a distance of 69.02 feet to a point,
- 17) North 59-21-35 West a distance of 50.91 feet to a point,
- 18) North 30-15-02 West a distance of 70.31 feet to a point,
- 19) North 62-49-51 West a distance of 25.37 feet to a point,
- 20) South 71-00-41 West a distance of 92.37 feet to a point,
- 21) North 25-26-04 West a distance of 31.52 feet to a point,
- 22) North 15-25-53 East a distance of 497.85 feet to a point,
- 23) North 85-48-30 East, and passing through a found iron pin located a distance of 223.57 feet from the beginning of this course, and passing through another found iron pin located a distance of 367.63 feet from the beginning of this course, and through still another found iron pin located a distance of 467.63 feet from the beginning of this course, a total distance of 511.69 feet to a point,
- 24) North 89-48-30 East a distance of 189.56 feet to a found iron pin,
- 25) South 00-00-00 East a distance of 122.03 feet to a found iron pin,
- 26) North 89-48-30 East a distance of 582.11 feet to a found iron pin,

- 27) North 49-34-48 East a distance of 470.93 feet to a found iron pin located on the southerly boundary of said Sand Hill Road,
- 28) South 71-32-48 East a distance of 255.37 feet to a point,
- 29) South 69-28-09 East a distance of 68.46 feet to a point,
- 30) South 64-32-31 East a distance of 62.40 feet to a point,
- 31) South 51-51-55 East a distance of 61.44 feet to a point,
- 32) South 41-09-50 East a distance of 122.17 feet to the point or place of beginning.

The above described parcel contains 35.674 +/- acres and is more fully delineated on survey Plat #07-YA4-72WD(2).DWG dated November 15, 2009 based on an instrument survey completed on December 17, 2007 by Richard A. Daugherty, L.L.S.

EXCEPTING so much (if any) of the preceding parcel as may already be in said District.

ALSO, ALL THAT TRACT OR PARCEL OF LAND being a portion of Great Lots 38, & 52 of Township 7 of the 1st Range, situate in the Town of Jerusalem, County of Yates, State of New York bounded and described as follows:

Beginning at an iron pin & cap set on the southwesterly bounds of Sand Hill Road a distance of 150.00 feet measured northwesterly along said highway boundary from its intersection with the northwesterly line of Fair Oaks Avenue; thence the following twelve (12) courses and distances:

26. North 41-09-50 West a distance of 122.17 feet to a point,
27. North 51-51-55 West a distance of 61.44 feet to a point,
28. North 64-32-31 West a distance of 62.40 feet to a point,
29. North 69-28-09 West a distance of 68.46 feet to a point,
30. North 71-32-48 West a distance of 255.37 feet to a found iron pin located on the southerly boundary of said Sand Hill Road,
31. North 49-34-48 East a distance of 28.91 feet to a point in the centerline of said Sand Hill Road,
32. South 71-32-48 East a distance of 240.88 feet to a point,
33. South 69-28-09 East a distance of 69.97 feet to a point,
34. South 64-32-31 East a distance of 66.21 feet to a point,
35. South 51-51-55 East a distance of 66.51 feet to a point,
36. South 41-09-50 East a distance of 124.81 feet to a point,
37. South 49-34-48 West a distance of 24.75 feet to the point or place of beginning.

The proposed water district extension is a parcel of land having an area of approximately 35.997 Acres owned by the Petitioners.

The resolution was thereupon declared duly adopted.

TOWN ATTORNEY DISCLOSURE - PADDOCK PETITION FOR KEUKA PARK
CONSOLIDATED WATER DISTRICT EXTENSION #1

Other than ensuring the petitioner reimburses the Town for all expenses related to the Paddock Petition for inclusion in the Keuka Park Consolidated Water District, it was the consensus of the Town

Jersualem Town Board
December 16, 2009

Board that there is no issue having Attorney Phil Bailey represent both parties on this particular matter.

2010 TOWN/COUNTY TAX BILLS

The 2010 Town/County tax bills will be available on the Town website, www.jerusalem-ny.org on December 23 and bills will be mailed December 24.

With there being no further business, on a motion of Councilperson Hopkins, seconded by Councilperson Folts, the meeting was adjourned at 8:29 P.M.

Sheila McMichael, Town Clerk