

Minutes of the regular monthly meeting of the Jerusalem Town Board held on November 14, 2012 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Clerk McMichael, Acting Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Bev Eggleston, George Sproule, Fred Thomas, Taylor Fitch, Doug Paddock, Molly Pearce, Ed Seus, Lynn Barry, Art Carcone, Mary Coriale, John Christensen; *Chronicle Express* Reporter, David Specksgoor; *Dundee Observer* Reporter and several other unidentified guests.

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

RESOLUTION #186-12  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 20, 2012 budget workshop be approved as read.

RESOLUTION #187-12  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 12, 2012 budget workshop be approved as read.

RESOLUTION #188-12  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the September 13, 2012 Special meeting be approved as read.

RESOLUTION #189-12  
APPROVAL OF MINUTES

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

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

Resolved that the minutes of the October 17, 2012 meeting be approved as read.

RESOLUTION #190-12

AUDIT OF CLAIMS

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

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

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

General:	\$15,281.71
Outside Village	\$ 1,719.13
Highway DB:	\$55,023.04
Branchport Light:	\$ 253.79
Sewer:	\$ 3,552.14
Water:	\$ 3,844.79
Trust:	\$ 6,106.00

October Utilities:

General:	\$ 1,386.22
Outside Village:	\$ 210.64
Sewer:	\$37,045.08
Water:	\$ 432.37
Trust:	\$30,249.62

RESOLUTION #191-12

SUPERVISOR REPORT

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

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

Resolved that the Supervisor's Report on the Town's finances for the month of October 2012 be accepted as presented.

SUMMER RECREATION PROGRAM

Bev Eggleston, Recreation Director presented an overview of the 2012 summer recreation program. 72 participants enrolled in the 2012 program, with approximately 50 attending daily. Activities included arts, crafts, sports, swimming lessons and field trips. Visitors to the program included the Fire Department and the Canine Unit.

Councilor Killen commended Mrs. Eggleston for another successful program. Mrs. Eggleston thanked the Board and the community for

their support of the program. Councilor Parson noted Mrs. Eggleston always does a great job.

PUBLIC HEARING - PROPOSED LOCAL LAW H-2012 CREATING THE ROUTE 54A  
SCENIC OVERLAY DISTRICT

Supervisor Jones stated following a meeting with New York State Agriculture & Markets today, changes are being made to the proposed regulations. The public hearing will be rescheduled.

PUBLIC HEARING - PROPOSED LOCAL LAW F-2012 ADOPTING UNIFORM  
LANGUAGE FOR MAXIMUM BUILDING COVERAGE

With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:12 P.M., asking for comments on proposed Local Law No. F of 2012 amending the Zoning Ordinance of the Town of Jerusalem to adopt uniform language in the various districts as to maximum building coverage.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF JERUSALEM as follows:

Section 1. Purpose: The Town Board finds that confusion exists as to the rules regarding the maximum building coverage to area of lot in the various zoning districts. In some districts the rule clearly states that the indicated maximum applies to all buildings in the aggregate. In other districts the rule states that the indicated maximum applies separately to individual buildings or structures. The Town Board desires to re-phrase these provisions so as to achieve uniformity in form and clearly state the Board's intention.

§ 2: In the AGR zone, section 160-21 (C) of Chapter 160 of the Code of the Town of Jerusalem is amended to read as follows: C. Maximum building coverage to area of lot. No building or structure shall occupy more than 10% of the area of a lot. No building or structure or combination of buildings or structures shall occupy more than 10% of the area of a lot. In calculating the maximum percentage of lot permitted to be covered, all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps.

§ 3: In the R-1 zone, section 160-30 (D) of such Chapter is amended to read as follows: D. No building or structure or combination of buildings or structures shall occupy more than 20% of the area of a lot. In calculating the maximum percentage of lot permitted to be covered, all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps. [No Change]

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§ 4: In the R-2 zone, section 160-33 (D) of such Chapter is amended

to read as follows: D. No building or structure or combination of buildings or structures shall occupy more than 20% of the area of a lot. In calculating the maximum percentage of lot permitted to be covered, all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps.

§ 5: In the R-3 zone, section 160-33.3 (D) of such Chapter is amended to read as follows: D. Maximum lot coverage. No building or structure or combination of buildings or structures shall occupy more than 30% of the area of a lot. In calculating the maximum percentage of a lot permitted to be covered under this Subsection and also under Subsection A(1)(a) and (b), all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps. All lots described in Subsection A, including paragraphs A(1)(a) and A(1)(b) are included in this provision.

§ 5: In the B-1 zone, section 160-36 (C) of such Chapter is amended to read as follows: C. No building or structure or combination of buildings or structures shall occupy more than 20% of the area of a its lot. In calculating the maximum percentage of lot permitted to be covered, all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps.

§ 6: In the BSP zone, section 160-37.3 (C) of such Chapter is amended to read as follows: C. All buildings and structures on each property shall not occupy in the aggregate more than 20% of the area of the lot. No building or structure or combination of buildings or structures shall occupy more than 20% of the area of a lot. In calculating the maximum percentage of lot permitted to be covered, all portions of the building or structure shall be taken into consideration, including the open porches, decks and steps.

§ 7: This local law shall take effect as soon as it is filed with the New York State Secretary of State.

Fred Thomas stated copies of the local laws were requested from the Zoning Office two weeks ago and were not made available for review prior to tonight's hearing. He also experienced problems when trying to access this information from the Town's website. It was clarified copies of local laws are available in the Town Clerk's Office.

The hearing was left open.

PUBLIC HEARING - PROPOSED LOCAL LAW B-2012 REGULATING FENCES  
With proof of notice having been duly published and posted, Supervisor Jones opened the Public Hearing at 7:20 P.M., asking for

comments on the proposed Local Law B-2012 regulation of fences in the Town of Jerusalem.

Be it enacted by the Town of Jerusalem as follows:

Section 1: The Code of the Town of Jerusalem is hereby amended by adding a new Chapter to be known as the "Fence Law of the Town of Jerusalem."

§ 2: The new Article shall read as set forth in Exhibit A attached hereto and made a part hereof.

§ 3: Effective Date.

This local law shall take effect upon being filed by the Secretary of State.

#### Exhibit A

##### 1. Title, scope, purpose

A. Title- This chapter shall be known as the Fence Law of the Town of Jerusalem, hereinafter referred to as "this Chapter."

B. Scope- This Chapter shall apply to all fences erected, placed or replaced within the Town of Jerusalem except agricultural applications as defined in Agriculture and Markets Law Article 1(2) & Article 25-AA (301).

C. Purpose-The purpose of these regulations is to prohibit the erection of fences and hedges in the Town of Jerusalem that obstruct a view from neighboring premises, particularly in the areas adjoining the lake, or that obstruct visibility on streets and highways in densely populated areas.

##### 2. Definitions

As used in this chapter, the following terms shall have the meaning indicated:

A. LAKEFRONT PROPERTY

Property that is in actual contact with the lake.

B. LIVING FENCE

Any fence or hedge composed of live materials.

##### 3. Materials and Maintenance:

A. Fences shall be constructed of wood, metal, masonry, PVC permanent fencing material, vinyl, chain link or stone.

B. They shall be well-maintained, neat and attractive in appearance, stained, or painted; safe, sound and in an upright condition. Maintenance shall be the responsibility of the owner.

C. The following types of materials are not allowed: concrete barricade, solid metal (e.g., bus tops), canvas fence, cloth fences, barbed wire, razor wire, sheet metal, corrugated metal, fiberglass panels.

D. Fences shall have the smooth or finished side facing to the outside of the property owner installing the fence. Fence posts

will be placed on the inside of the fence, unless the design of the fence makes both sides equivalent in appearance (ie split rail, or PVC fences with posts placed in the middle of panels.)

#### 4. Location:

A. All fences or walls must be constructed with a minimum setback of 12 inches from the property line, except where other parts of this regulation have different setbacks which shall apply.

B. In addition, fences facing a town road, county road, state road, or a highway right-of-way, shall be set back 10 feet from the road property line or highway right-of-way.

C. No fence or hedge shall be erected or planted so as to encroach upon a public or private right-of-way.

D. Fences on the lake side of lakefront property shall set back 25 feet from the high water mark.

E. Survey: A survey instrument is not required, but if no survey is provided, then the applicant must provide a notarized letter from each affected adjoining property owner indicating knowledge of planned fence and agreement on property line and placement of fence.

F. If no survey is provided, then a site plan showing the proposed location of the fence may be requested prior to receiving a permit.

#### 5. Height:

A. No fence or hedge on lakefront property, nor any fence between the residence and the road shall be over four feet high.

B. No fence or hedge that is not on lakefront property shall be over six feet high.

C. The height restrictions in Section 5 do not apply to fences or hedges used for agricultural or farm purposes, nor to any other hedges, hedgerows, or trees forming windbreaks.

D. Any type of fence or barrier built or grown located at any road intersection shall have a maximum height of three feet so that it will not block the view of traffic. In the event it is grown, the barrier shall be maintained at a three-foot maximum height, in addition to being set back a distance of 10 feet from the property line and shall be maintained at three feet at all times.

E. On lakefront properties, any new plantings, except trees, between within 50 feet of the lake, such as but not limited to bushes and hedgerows, shall not obstruct any neighboring view and shall not exceed four feet in height.

F. A fence shall be set on and shall be measured from the existing ground.  
No buildup of ground elevation is permitted.

#### 6. SPECIAL PROVISIONS:

A. SNOW FENCES: This chapter does not apply to snow fences that are set up during the months of November through April or to construction-erosion control fences.

B. PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES A fence not exceeding six feet in height is permitted anywhere on any public playground, public park, or private school premises. However, this requirement shall not apply to chain link fences used for baseball/softball backstops or around tennis courts or recreational facilities.

C. SWIMMING POOLS  
Outdoor swimming pools shall be enclosed by a protective fence in accordance with the requirements of the New York State Uniform Building and Fire Codes.

D. EXEMPTIONS  
This chapter does not apply to non-boundary fences (at least 5 feet from property line) for the containment of pets, or for surrounding gardens or flowerbeds.

#### 7. PROCEDURE:

A. Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application for a permit to the Code Enforcement Officer on a form provided by the Code Enforcement Officer.

B. The application shall be accompanied by a site plan or survey showing the proposed location of any fence and the materials proposed to be used therein, which must be in accordance with this chapter and any other pertinent local law regulating construction within the Town, and shall be accompanied by a non-refundable fee in the amount established by the town board from time to time.

C. The application shall contain the owner's name and address, and signature and any other information reasonably required by the Code Enforcement Officer in order to enforce the terms of this Chapter:

D. Upon approval, the Code Enforcement Officer shall issue a permit for the construction of the fence, which will become void one year from the date thereon.

E. The permit shall be available on the job during the progress of the work so that it may be inspected by the Code Enforcement Officer.

8. Surveys. It is strongly recommended that, prior to the placement of a fence, the owner obtain a certified survey of the property in order to ensure that the fence will be located entirely within the owner's property boundaries. The issuance of a Certificate of Zoning Compliance by the Code Enforcement Officer for the placement of a fence does not constitute verification that the fence is located within the property lines and Town shall bear no responsibility if the fence is improperly located on adjacent property.

## 9. Complaints

The Code Enforcement Officer shall review and investigate complaints that claim the existence of conditions or activities that fail to comply with this Chapter. The process for responding to a complaint shall include, but is not limited to, the following steps as deemed appropriate by the Code Enforcement Officer:

A. The complaint shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer and shall contain the contact information and signature of the claimant:

B. Performing an inspection of the condition and/or activities alleged to be in violation, and a written report of the results of such inspection;

C. If a violation is found to exist, providing the Owner of the affected property with a Notice of the Violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in this Chapter; and

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected. Preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

## 10. Penalty

Any person, firm or corporation, or his or her or its agent, servant, workman or employee, violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$250 and/or imprisonment for a term not exceeding 15 days. Each day's continuance of a violation after notice to cease shall be deemed a separate and distinct offense and shall be punishable accordingly.

## 11. Severability

If any portion of this law is found to be unconstitutional or repealed, then the remaining portion shall remain in effect.

## 12. Variance

A. Should any owner of property affected by this Law suffer a hardship in the way of carrying out the strict letter of this Law, then the owner of that property may apply to the Zoning Board of the Town in writing for a variance from strict compliance with this Law upon submission of proof of such hardship.

B. Procedure. The application for such a variance shall be treated in all respects as an application for an area variance from the zoning laws. The provisions of Article XV of chapter 160 that relate to Area Variances shall apply.



Lynn Barry asked if the regulations cover invisible fences and dogs running through them onto neighboring properties. Pet containment fences are exempt under this law. The Town has a dog ordinance and the Animal Control Officer works under the Sheriff's Department.

Art Carcone stated concerns related to the one foot setback and suggested placing the fence on the property line. He asked if a permit will be required and if the setbacks are from the road or the right of way. The section on fences at road intersections is confusing.

Molly Pearce asked what the permit fee will be.

Art Carcone was informed by the New York Planning Federation that the law could be zone specific versus a townwide regulation.

Councilor Folts stated the Mennonite community has concerns because of their horse fences.

Doug Paddock suggested stating in the Purpose that the focus is on boundary fences for clarification of the law's intent. Section 5.D. should be worded the same as 4.B. to be consistent.

Lynn Barry apologized to the Town and the Town Board as this relates to her current fence situation.

Councilor Killen will incorporate revisions discussed and forward the draft to Town Attorney Bailey for review.

The proposed legislation will be posted in the municipal code banner on the Town's website, [www.jerusalem-ny.org](http://www.jerusalem-ny.org).

#### TOWN OFFICIALS

#### HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- Gravel crushing was completed today.
- An ad has been placed accepting applications through November 19<sup>th</sup> for a Medium Equipment Operator.

#### RESOLUTION #192-12

#### DECLARE SURPLUS EQUIPMENT

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

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

Resolved the 2004 Chevy HD 4-wheel drive pick-up truck and 9' western pro plus snow plow be declared as surplus equipment and the Acting Highway Superintendent be authorized to advertise the sale of said truck and plow on Auctions International.

A reserve was set at \$9,000 or at the Acting Highway Superintendent's discretion to lower the amount after consulting with the Highway Committee.

RESOLUTION #193-12

CHANGE TO THE LOCAL HIGHWAY INVENTORY LISTING

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

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

Be it hereby resolved by the Town of Jerusalem for the purpose of correcting and updating the Local Highway Listing provided to the Town of Jerusalem each year by the New York State Department of Transportation for verification of the Local Highway Inventory, we make the following corrections/changes:

Deletions: The following deletions are because 1) the particular road is no longer maintained by the Town of Jerusalem and will therefore no longer be responsible for it; or 2) an incorrect road name is being deleted and the correct will be added below:

Skyline Drive from West Bluff Drive to Bluff Drive for a total length of 0.21 Miles

Total Mileage Deleted: 0.21 Miles

TOWN ENGINEER

- Written report on file in the Office of the Town Clerk.
- The start date for the new Keuka Park Sewer & Water hire will be 2/1/2013.
- The required training and pick-up truck for the new hire were discussed.

COUNCIL

- Councilor Parson reported the Assessor settled most assessment cases. There is one still outstanding that will be settled soon. Assessor Brand did a good job with them.
- Councilor Parson met with the Highway Department. Everyone is happy. Acting Highway Superintendent Martin is doing a good job.
- Sunshine Committee Chair Killen planned a social hour/dinner on November 20<sup>th</sup> at the Antique Inn for retired Highway Superintendent Bob Payne.

- We are awaiting a letter of interest and resume for the Planning Board Secretary position.

RESOLUTION #194-12

AUTHORIZE ZONING BOARD CONTINUING EDUCATION TRAINING

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

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

Whereas the Code of the Town of Jerusalem, Chapter 49 establishes minimum training and continuing education course requirements for the Zoning Board of Appeals; and

Whereas the Zoning Board desires to improve their performance, facilitate training of members and provide a review of current laws for recommended updates by setting aside time to educate themselves by reviewing the Town zoning regulations; now, therefore, be it

Resolved that Councilor Killen work with the Zoning Board to develop an outline and lesson plan to document the areas covered and Attorney Phil Bailey will review the topics so the Zoning Board can receive credit for hours spent on this training starting January 1, 2013.

SUPERVISOR

Supervisor Jones received a facility request to hold an open house at the Town Hall on May 4, 2013 as part of an alumni event for people who attended school at this site. The Finger Lakes Museum has also joined with the alumni committee to create this event. Tours of both former school sites will be conducted.

PUBLIC HEARING - PROPOSED LOCAL LAW F-2012 ADOPTING UNIFORM LANGUAGE FOR MAXIMUM BUILDING COVERAGE

Fred Thomas stated he understands the Zoning Board's request and what the Town Board is trying to do with this proposed amendment as there are inconsistencies in the zoning regulations related to building versus buildings. The Hamlet of Branchport and Keuka Park allow for more concentrated buildings than in the rural areas, but he feels the Board has to provide other places in the Town of Jerusalem for development.

RESOLUTION #195-12

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW F-2012 ADOPTING UNIFORM LANGUAGE FOR MAXIMUM BUILDING COVERAGE

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

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

Resolved that the Public Hearing on proposed Local Law F-2012 be closed at 8:38 P.M. and the Board return to the Regular Town Board meeting.

The proposed legislation will be posted in the municipal code banner on the Town's website, [www.jerusalem-ny.org](http://www.jerusalem-ny.org).

RESOLUTION #196-12

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW B-2012 FENCE REGULATIONS

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

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

Resolved that the Public Hearing on proposed Local Law B-2012 be closed at 8:40 P.M. and the Board return to the Regular Town Board meeting.

SUBCOMMITTEE REPORTS:

YATES COUNTY MARCELLUS SHALE TASK FORCE

County Legislator Taylor Fitch reported the Host Community Agreement was introduced at this month's Task Force meeting. Copies will be forthcoming to the towns.

CONSERVATION AND RENEWABLE ENERGY SUBCOMMITTEE

Deputy Supervisor Stewart reported the Conservation and Renewable Energy Subcommittee is planning another seminar to be held in 2013.

RIGHT TO FARM

Proposed Local Law I-2012 Right to Farm will be submitted to New York State Ag and Markets for review.

APPOINTMENT - PLANNING BOARD MEMBER

The appointment of a Planning Board member will be placed on the December agenda.

RESOLUTION #197-12

AWARD AUDIT BID

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

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

Whereas the Request for Proposal for Professional Services to Perform Auditing Services was submitted on August 30, 2012; and

Whereas the Town of Jerusalem received two bids as follows:

Bonadio & Co., LLP	\$8,500
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Pittsford, NY  
Raymond Wager, CPA, LLP                   \$9,950  
Henrietta, NY

Now, therefore, be it resolved that the contract be awarded to the low bidder, Bonadio & Co., LLP to perform audits for years ended December 31, 2012, 2013 and 2014.

RESOLUTION #198-12

KEUKA PARK SEWER & WATER RELEVIES

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

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

Whereas, the Jerusalem Town Code provides for the collection of delinquent water and sewer bills by the County of Yates by the relevy of those accounts on the January tax bills; and

Whereas, the Town Water/Sewer office has compiled a listing of the final 2012 water and sewer delinquent accounts in the following amounts:

Water	\$19,956.87
Sewer	\$16,419.88
Relevy Fee	\$ 4,250.00

; now, therefore, be it

Resolved, that the Jerusalem Town Board does hereby approve the transfer of these delinquent accounts to the County for relevy on their 2013 tax bills.

RESOLUTION #199-12

AUTHORIZE KPSW TRAINING - FINGER LAKES WATER WORKS CONFERENCE WINTER MEETING

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

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

Whereas; Finger Lakes Water Works Conference is hosting the Winter Meeting on December 6, 2012 at the Waterloo Holiday Inn located at 2468 NYS Route 414;

Whereas; the cost for a pre-paid, pre-registered 2012 Conference Member for Thursday, December 6, 2012 is 23.00/person;

Whereas; accreditation of operator contact hours will be given for attendance;

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification;

Whereas; instruction and training expenses were approved in the 2012 budget;

Therefore be it resolved to authorize attendance of (1) person from the Water / Sewer Department to attend the Finger Lakes Water Works Conference Winter Meeting at a cost of \$23.00. This cost will be funded \$11.50 from 8120.44 and \$11.50 from 8340.4.

RESOLUTION #200-12

ADOPT KEUKA PARK WATER AND SEWER FEE SCHEDULE

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

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

WHEREAS, the Town Board, acting as the Board of Commissioners of the Keuka Park Water and Sewer District establishes the fees for sewer and water 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 2013 be as shown on the attached Fee Schedule; and

WHEREAS, the Town Board 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 Sewer and Water Districts attached to this resolution be and it hereby is approved to go into effect on January 1, 2013 and continue in effect thereafter until further resolution of this Board.

<b>SEWER FEE SCHEDULE</b>	<b>FEE</b>
APPLICATION FEE	\$350.00
**IMPACT FEE SEWER ORIGINAL, Ext 1, Ext 3	\$24.00 MULTIPLIED BY # OF EDU'S
**IMPACT FEE SEWER Ext 2	\$668.00 MULTIPLIED BY # OF EDU'S
TURN ON/OFF	FIRST ON/OFF PER YEAR - 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)
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<b>WATER FEE SCHEDULE</b>	<b>FEE</b>
APPLICATION FEE	\$350.00
**IMPACT FEE	\$247.00 MULTIPLIED BY # of EDU'S
TURN ON/OFF	FIRST ON/OFF PER YEAR-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 HOURS 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 #201-12  
ADOPT KEUKA PARK WATER RATE SCHEDULE

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
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 2013 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, 2013 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:                 \$246.56/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 #202-12

APPROVAL - 2013 KEUKA PARK SEWER DISTRICT RATE SCHEDULE

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

ADOPTED    Ayes 5       Folts, Jones, Killen, Parson, Steppe  
              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 2013 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, 2013 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: \$188.00/quarter

Keuka Park Sewer District Ext. #1, #3

Operation/Maintenance & Capital Combined: \$188.00/quarter

Keuka Park Sewer District Ext. #2

Operation/Maintenance: \$170.00/quarter

Grinder Pump Fee \$ 11.00/quarter

Capital: \$167.00/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

Jan 1, April 1, July 1, Oct 1

Account Numbers Beginning in 2, 3

Feb 1, May 1, August 1, Nov 1

Account Numbers Beginning in 6

March 1, June 1, Sept 1, Dec 1

RESOLUTION #203-12

ADOPT 2013 KEUKA PARK WATER DISTRICT EQUIVALENT DWELLING UNIT (EDU) SCHEDULE GUIDELINE

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

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
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**

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

**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.  
205-12

RESOLUTION #204-12

AUTHORIZE KEUKA PARK WATER DISTRICT EASEMENT FILING

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

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

Whereas; the New York State Health Department letter in March 2010 to the Town indicated that that the Town may be responsible for obtaining current valid easements for properties in the Keuka Park Water District that are not contiguous with the Keuka Park Water Main;

Whereas; the property located at 4326 Lake Avenue is located within the bounds of the original Keuka Park Water District;

Whereas; the property located at 4326 Lake Avenue, Keuka Park has been identified as a cross lot connection and does not have a proper easement on file;

Whereas; Town Attorney Phil Bailey has been directed to draw up an easement for the property located at 4326 Lake Avenue;

Whereas; the cost to extend the Keuka Park Water Main to connect said property without the need of an easement would be costly and far exceeds the cost of materials for a new service and preparing and filing a proper easement;

Therefore be it resolved to authorize Town Attorney Phil Bailey to file said easement with the Yates County Clerk and that this cost be paid by the Keuka Park Water District.

With there being no further business, on a motion of Councilor Folts, seconded by Councilor Killen, the meeting was adjourned at 9:00 P.M.

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Sheila McMichael, Town Clerk